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“NIP THE NOXIOUS GROWTH IN THE BUD”: *ORTENBERG V. PLAMONDON* AND THE ROOTS OF CANADIAN ANTI-HATE ACTIVISM¹

In the decade before the First World War, the small Jewish community in Québec faced heightened antisemitism in the form of public lectures, media attacks, and even physical violence.² In March 1910, J. E. Plamondon, a Québec notary, addressed a Catholic youth group in a hall near the heart of the Jewish community. The talk sparked a series of attacks in the antisemitic press, the boycott of Jewish businesses, and the assault of several Jews in the streets. Benjamin Ortenberg and Louis Lazarovitch, two Jewish businessmen, launched a libel suit against Plamondon that lasted until late in 1914, when it was finally won in a Court of Appeal. The decision hinged on the smallness of the Jewish community, because no law existed in Canada then to protect people from defamation directed toward their “race” or religion. More than an isolated case of antisemitism, the Plamondon affair was an important step in Canada’s journey towards hate propaganda legislation, and its Jewish participants were among the first to conceptualize the necessary components of anti-hate activism in Canada.

The affair has received attention in several works, most notably David Rome’s compilation of trial documents and media coverage, but none offers a comprehensive analysis of the events and their significance to Canadian history. Historians have explored Catholic and French-Canadian antisemitism in depth and know a great deal about the acrimonious discourse

between the Jewish and French-Canadian media. One Protestant organ in Québec, the *Chronicle*, had no love for the Jews but perhaps even less for Catholics, and it offers a unique, contemporaneous account of the affair. The paper's early attention to the case reveals the uncertainty of Jews in the face of anti-semitism, and it frames the story within the ordinary sense of "race" in Canada. The media, however, do not tell the story from an insider's perspective, and in order to understand the far-reaching effects of the trial on the Jewish community and on Canadian law, we must examine what Jews expected from the trial and how it influenced them to combat hate propaganda in later years. Plamondon's antisemitism was a "normal" feature of his cultural milieu, and, in that sense, it may seem an unusual catalyst for anti-hate activism. The evidence, however, shows that the notary's Jewish neighbours had already begun to see such prejudice as a pathological condition, and they employed the law, ineffectual though it was, in an attempt to restrain him.

The Attack

The fluorescence of pogroms and other forms of antisemitism in Europe in the late nineteenth and early twentieth centuries had significant reverberations in Canada. France's Edouard Drumont, who has been called "the most popular modern anti-Jewish polemicist before Adolf Hitler," revived the medieval superstition that Judaism demanded the sacrifice of Christian children.³ His influence in France declined after the Dreyfus Affair, but his books grew in popularity in Quebec, and he was treated as an authority on all things Jewish by the defendants in *Ortenberg v. Plamondon*. David Rome and Jacques Langlais have argued, that in French Canada, this strain of antisemitism was "a new phenomenon" caused by rising French-Canadian nationalism and the clash of cultures during the period of mass Jewish immigration from eastern Europe.⁴ It reached a crescendo in the decade before the Plamondon Affair in both the city and the province of Quebec. In 1908, the Catholic youth group, l'Association Catholique de la Jeunesse Canadienne

(ACJC), established an antisemitic league and began to examine “the Jewish question” in study circles. In St. Roch, Quebec, the local *curé* criticized “the Catholics who sell their property to [the Jews],” and charged his parishioners to “keep possession of our soil.”⁵ *l’Action Sociale* (later *l’Action Catholique*) began contributing to the antisemitic propaganda that year and soon became a popular antisemitic organ. The Jews of Quebec responded in 1909 by forming the Jewish Legislative Committee to defend Jewish civil rights in Canada, but before the Plamondon Affair began they made little progress.⁶ The antisemitic harangues of the Catholic press continued relentlessly, and Jews were startled as the Catholic Church’s role in promoting antisemitism went from permissive to active with the inauguration of the ACJC’s antisemitic league. Most of Québec’s small Jewish community were recent immigrants from eastern Europe and were all too familiar with antisemitism. Yet they continued to live and work in St. Roch, a wealthier neighbourhood of Québec and even planned a new synagogue for an elite area in Old Québec. Their plans and mobility suffered, however, when the Plamondon Affair erupted in the particularly volatile context of 1910.

Plamondon’s lecture on 30 March 1910 was not an isolated or arbitrary case of antisemitism. Between 1908 and 1914, the ACJC contributed to the intensification of French-Catholic antisemitism with three major public lectures. L. C. Farley delivered the first at a Québec conference in June 1908; Plamondon’s public lecture in a school used by the Association followed in 1910; and while the Plamondon trial was underway in 1914, Abbé Antonio Huot delivered the third lecture in Québec. Farley’s attack charged his listeners “to drive the Jew politely far out of Canada and particularly from Quebec,” to boycott all Jewish merchants, and to establish an antisemitic league.⁷ Plamondon’s lecture was even more provocative. As a lawyer, he was held in some esteem in the community, and the *Toronto Globe* claimed he was a fighter of “vice in all its forms.”⁸ The Jewish journalist, Israel Medres, recalled,

however, that the Protestant and Jewish “residents of Quebec City considered Plamondon to be a fanatical papist and loyal follower of Edouard Drumont.”⁹ In any case, Plamondon’s intention to lecture on “The Jew” caught the attention of many. Moreover, while Farley had no apparent connection with the Jews of Québec, many people at the time knew that Plamondon was involved in a property dispute with D. Liebling, a Jew of St. Roch.¹⁰ The lecture encouraged confrontation because of its strategic venue. The notary was invited to speak at the School of the Christian Brothers which was located only a few blocks from his home, and, more significantly, on the corner of Grant and Des Fosses in the heart of the Jewish community. If Farley’s audience became overheated by his lecture, they might have quietened down by the time they marched from Laval University to the closest Jewish residence. Plamondon’s excited listeners, on the other hand, had simply to step outdoors to be within a stone’s throw of a number of Jewish homes.

The Jews were aware of the danger of this lecture, and at least two of them tried to prevent its taking place. Louis Lazarovitch, then a dry goods merchant who had served for seven years as president of the local synagogue, asked the chief of police to cancel the event but failed.¹¹ Even at this early stage, the connections among the Jews in various cities came into play. Rabbi S. Glazer from Montreal issued a number of protests about the upcoming lecture. On 30 March 1910, the *Québec Chronicle* reported that “Rabbi Glazer of Montreal, telephoned to the *Chronicle* last night to the effect that he had heard that there was to be a mass meeting of an anti-semitic nature to-night in Quebec.” The rabbi continued to protest the meeting, calling it outrageous, “non-British,” and detrimental to the whole community. “Such mass meetings, in his opinion, were certainly likely to incite rioting and [become] an incentive to break[ing] the municipal laws, and he thought it the duty of the officials to prevent them.” Glazer appealed to the citizens of Québec by calling them fair-minded, and he warned that permitting such antisemitism would “allow their good name to be besmirched”

and might even result in anarchy.¹² The literature does not indicate how much Glazer actually knew of Plamondon's intentions, and it is likely that he and other Jews made a regular practice of protesting such antisemitic events when they were announced.

Glazer's language, as reported in the *Chronicle*, is testimony to the real concerns of recent Jewish immigrants as well as their strategies for overcoming prejudice. Himself new to Canada, the rabbi had already earned a reputation as the most radical and socially active rabbi in Montreal. With his eastern European background, it was fitting that he chose "anarchy" as a warning to those who would let antisemitism prosper. Many Jewish immigrants were Zionists and/or socialists, and in a community where Jews were accused of subverting the established order, Glazer turned the tables labelling the antisemites inciters of riots, disturbers of the peace, and anarchists. Glazer appealed to the federal Minister of Justice and Quebec's Lieutenant Governor with a terse warning. He pleaded that the Minister stop the "agitation and cause for massacre against the Jews of Quebec" and argued that Plamondon's lecture would incite "large meetings to plan riots against [the] Jews." Glazer came from what Gerald Tulchinsky has called, the "real world of political upheaval, ethnic and ideological turmoil, massive destruction, social revolution, and widespread death by famine and pogrom."¹³ His *shtetl* heritage explains why this lecture appeared to him as the beginning of a brutal pogrom.

Plamondon's lecture exhibited some of the most virulent Canadian Catholic antisemitism to date, but it did not provoke the massacre that Glazer feared. The lecture evoked ancient fears by condemning the Talmud and rehearsing the old blood libel, but it was designed to feed the fears of local Catholics. He warned his audience of the ethnic origins of the Jews in Québec, which, according to the 1901 and 1911 censuses, were almost entirely east European, by quoting Drumont's statement that "the Jews of Poland and of Russia ... destroy the populations of entire villages with poisoned whiskey." The reference to alcohol was followed by an anecdote in which a Polish Jew gave "adul-

terated whiskey” to children in order to “train them young,” a story which the audience would have perceived as a threat in light of the popular Catholic temperance crusades of this period.¹⁴ He concentrated on the Jewish “vice” of usury—a resonant issue in Quebec where the clergy encouraged men like Alphonse Desjardins to “fight the scourge of usury.” Plamondon made Jews scapegoats for the destruction of what Catholics called “the purity and sacredness of Quebec’s rural way of life,”¹⁵ and he warned that in Europe “usury has delivered half of Alsace into Jewish hands.”¹⁶ The *Chronicle*, whose Protestant editors were opposed to Plamondon but not always fully supportive of the Jews, said with tongue in cheek, that “he disparages the Jew because the latter holds that he may lend at usury. As if credit was not the basis of all commercial transaction today.”¹⁷ One wonders how Plamondon expected his audience to see the imminence of this Jewish “danger,” when only half a percentage of the city’s population was Jewish, and most of those were peddlers and shopkeepers.¹⁸ But his listeners were being bombarded almost daily by antisemitic media, and the sanction of respected clergymen lent cachet to the speaker’s words that even four years in court would not fully efface.

Even those sympathetic to Jews did not contest Plamondon’s underlying principles. The editors of the *Chronicle*, while decrying Plamondon’s accusations, claimed that “[w]e do not admit that the Jews are a lovable race, their racial characteristics are too strongly defined for that.”¹⁹ And in any case, most Canadians believed all groups were naturally unequal. On the day after the Plamondon lecture, a Boston professor spoke to the Canadian Club in Québec about “The Racial Problem” and proposed that the idealistic “features of the French Canadian character [should] be united in a practical effort to the solid qualities of the Briton.”²⁰ “Race,” moreover, was integrated into Canadian legislation, appearing first in the *Immigration Act* of 1910, which sought to exclude altogether or at least to limit the number of certain immigrants based on their

nationality.²¹ When Plamondon preached the inherent corruption of the Jewish “race,” he spoke a language that his audience understood and accepted.

If Plamondon’s message sounded familiar to Quebeckers, its effects were more unexpected. It damaged the Jewish community so visibly, that Jews throughout the province gathered to test their legal defences against defamation. The most obvious damage occurred in the streets where Jewish children were harassed and attacked; Jews were cursed and obstructed on the sidewalks, and windows of Jewish homes and the local synagogue were broken. As Morton Weinfeld has suggested, this physical aggression was typical of French-Canadian antisemitism which “was more populist in nature [than Anglo-Canadian antisemitism], reflecting the resentment of the economically disadvantaged, with more physicality and potential for violence.”²² Psychological damage, though not recognized by contemporaneous courts, fits less easily into the historical picture.²³ Still, the Plamondon Affair helped weaken the small, but growing Jewish community by destroying its sense of living in a safe environment. Québec was the only major city in Canada whose Jewish population declined between 1911 and 1921, while cities of similar size such as Hamilton, Ottawa, and Windsor almost doubled their Jewish population. Although the community had grown again by 1931, its percentage of the city’s population continued to decrease.²⁴ The most familiar effect of antisemitism was in business where Jews and non-Jews interacted on a daily basis. The two plaintiffs in Plamondon’s trial claimed that they had lost over \$6,000 of business, a major portion of their livelihood, but the damage also reached to surrounding regions where one witness claimed that “the Jews suffered greatly, especially small store-keepers in country towns.”²⁵ Plamondon encouraged a boycott of Jewish business, sarcastically charging his listeners to “continue buying from the Jews clothes that they made on Sunday” and “selling them your houses, permitting them to get a foothold among you.”²⁶

The Trial

Ortenberg and Lazarovitch demanded reparations for these damages; they sought legal and financial assistance for the trial from the Jews of Montreal. Sam W. Jacobs and Louis Fitch, “two of Montreal’s brilliant young Jewish lawyers,” opened the suit in April 1910 and appeared before Judge Malouin on 19 May 1913 in Québec’s Superior Court.²⁷ Ortenberg was the initial witness, and he established the plaintiffs’ two major strategies from the outset. First, he claimed that the statements made by the defendant about the Jewish religion, “race,” and their holy book, the Talmud, were absolutely false. Ortenberg’s second claim was that “his business had suffered considerably as a result of the hatred incited by the [d]efendant’s lecture among his customers,” and also that his family had been attacked.²⁸ The plaintiffs counted on proving that Plamondon and Leduc had presented false information about the Jews, and that the attacks had brought individual and collective harm to the plaintiffs. These charges are the essence of libel, because they acknowledge that the “[p]laintiff must be understood to be [the] person defamed” and that the defamation was false and damaging.²⁹ Proving the latter would be easy for the plaintiffs; their real challenge was convincing the court that the defendants had libeled specific individuals. The first words from each side illustrated the problem. Ortenberg began by saying that “he had known the defendant, Mr. Plamondon, personally,” but when Plamondon took the stand he “stated that he was not acquainted with any of the [p]laintiffs in person and that when he gave the lecture he had no one in particular in mind, that he meant the Jews in general and not even of Quebec in particular.”³⁰ Clearly, the defence was prepared to fight on the grounds that their claims were true and were aimed at a group so large that the statements could not qualify as libelous.

The plaintiffs knew that they were breaking new ground in attempting to have their group defined as the offended party; therefore, every move was critical. They set their suits at \$500, because Jacobs had been warned by a colleague that if they

claimed more, the defendants “would have made option for a [j]ury trial,” and there was little chance of success with a jury. The same colleague had great faith in the higher courts and hoped that, because of the religious nature of the case, it would be granted an appeal. Jacobs planned to summon only the most impressive witnesses. “Between ourselves,” he wrote to a friend, “I do not believe that the Quebec branch of Jewish clergymen will properly impress the court, and for that reason I would suggest our bringing Montreal people.”³¹ In the end, the eclectic team of witnesses included Jews and non-Jews, local Quebeckers and Montreal scholars, a European Jew, and a Jew whose family had lived in Québec since the eighteenth century. The defendants argued that Plamondon’s lecture was truthful, not directed at any of the plaintiffs individually, and therefore not libelous.³² Arguing the falseness of the defendant’s charges proved successful and engaged the better part of the trial. Linking the lecture to individual defamation and claiming personal damages, however, was a much harder battle.

After the arguments had been concluded, Jacobs was confident that the hearings had demonstrated the upright nature of Canadian Jews. He wrote to Louis Marshall, an American Jewish communal leader and a fellow lawyer, in May 1913, that they had “had the good fortune to be before an excellent Judge of the High Court, who gave us patient hearing;” he was convinced of a fair judgement. But Jacobs remained worried, he wrote, about “a serious question of law which will have to be disposed of in our favor before we can obtain judgement,” namely, whether “a single individual is permitted, in law, to sue for the libeling of an entire class to which he belongs. The authorities on the question are conflicting.”³³ These were among the first recorded words in Canadian Jewish history questioning the legal ability to defend an identifiable group against hate propaganda. The questions would reverberate in Jewish circles for decades.

In post-trial correspondence, Jacobs engaged in one of the first dialogues about the ethical merit of a law that would restrict freedom of speech by making hate propaganda illegal.

The terms “hate propaganda” and “freedom of speech” were not used in the discussion, but the issues were the same ones that would emerge later in the twentieth century with those labels. In light of Canada’s 1970 legislation banning hate propaganda, it is fitting that Jacobs would believe in the judge’s responsibility to limit the defendant’s right to defame a religious and ethnic group.³⁴ Marshall, an American whose country has never passed legislation protecting groups from hate propaganda at the expense of free speech, held the opposite belief. “In your case, the defendants have indicted a whole people,” he wrote.

The question therefore, as to whether or not any of the people referred to can maintain an action for libel, is a serious one. At all events I am strongly of the opinion that, unless there has been specific proof or special individual injury to the complainant, such an action is not maintainable, however great the outrage upon decency, which exists in the publication, may be.³⁵

Both men were mostly of similar mind and purpose. Jacobs was sometimes called, “the Louis Marshall of Canada,” for his service to all branches of Jewish life.³⁶ On this issue of a Jew’s right to be protected against hate propaganda, however, they differed. Jacobs began to understand more of the plaintiffs’ precarious position as the trial progressed. After the first week of hearings, he admitted that “it is quite possible that the [j]udge may dispose of the whole case by deciding that in law no action is given to the plaintiff.”³⁷

The plaintiffs’ fears materialized, when Judge Malouin ruled on 22 October 1913 that the Jews’ case was not actionable because “the plaintiff, being neither named nor specially indicated, has no recourse civilly against the defendant.”³⁸ As a result, it was “useless” for him “to study the other questions raised,” and he dismissed the case. The following day a *Toronto Globe* article was headlined, “Individual May Not Sue Because Race is Libelled,” and a *Montreal Daily Star* article reported that “no particular Jew has a right in Quebec to damages

because his race or religion is libelled.”³⁹ The disappointment among Jews was mentioned quietly in the *Canadian Jewish Times*, which declared “that no Jew or right-minded Gentile has been satisfied with the verdict given by the Quebec court.”⁴⁰ Oddly, neither the Yiddish nor the Anglo-Jewish press recorded the reaction to the trial’s outcome with much interest.⁴¹

Instead, the media was focusing on a sensational European trial involving antisemitism, “ritual murder,” and almost every other issue involved in the Plamondon affair. Mendel Beilis, a Russian Jew, was accused of murdering a Christian child for ritual purposes. The *Winnipeg Free Press*, in the third largest Canadian-Jewish community, reported nothing of the Plamondon case but offered detailed coverage of what it called the “Kiev Murder Mystery.”⁴² For Jews, the Beiliss case was cause for outrage and protest. In Montreal, thousands, led by the city’s mayor, rallied against the Russian antisemites, and crowds went to see the Yiddish drama, “Mendel Beilis,” at the People’s Theatre during the very same week that Judge Malouin issued his judgement.⁴³ The reaction to the Beilis trial seems to indicate that Canadian Jews were more interested in and perhaps more threatened by rising antisemitism and the blood accusations abroad than in events at home.⁴⁴

The plaintiffs in Québec, however, were not to be silenced. They appealed Malouin’s decision on the grounds that he had not decided whether Plamondon’s charges were true. The appeal began at the Court of King’s Bench on 2 October 1914.⁴⁵ In a unanimous decision, Judge Cross and the Appeal Court decided to grant the plaintiffs the case based on the nature of the Québec Jewish community. The judge declared that

the defendant is not condemned because he attacked the Jewish race or religion ... but he is condemned for attacking the 75 heads of Jewish families in Quebec. ... It is a case of personal defamation.⁴⁶

Plamondon and Leduc were sentenced to pay court fees plus fines to the plaintiffs of \$50 and \$25 respectively. The

judge explained on the Jewish lawyers' behalf that "it was not their objective to exact a monetary penalty from the accused so much as to protect the rights of their clients."⁴⁷

After four years, Québec's Jews had won redress for their neighbour's defamatory words. The long postponement of *Ortenberg v. Plamondon* had weakened much of its momentum and sapped what little support existed among non-Jewish sympathizers. The Court of Appeal's decision to award the Jews their case came three days after Christmas, 1914, when Canadians were six months into the First World War. It went largely unnoticed. Some followers of the Affair rejoiced to hear that the Jews had finally won the case; others reported it with less enthusiasm. The *Montreal Daily Star* called the Appeal Court's ruling a "Vindication of [the] Hebrew People." The *Chronicle*, which had so often defended the Jews, printed only a short verbatim report of the decision and offered no editorial opinion.⁴⁸ Henri Bourassa's *le Devoir*, asserted that "it is probable that the case will be carried to the Supreme Court,"⁴⁹ although it was not. *Plamondon* did not, in fact, "vindicate" the Jews; it merely awarded judgement to two men as members of a small group that *Plamondon* had libeled. As we shall see, the case frustrated early twentieth-century Jews and non-Jews who hoped it would serve as a precedent for protection against group defamation. That frustration, however, eventually became channeled into efforts to defend ethnic and religious minorities against hate propaganda, and *Plamondon's* influence was felt as a new concept of anti-hate activism was born in Canada.

The Effects

Although most Jews in 1913 did not imagine that they could influence legislation against all public hate propaganda, they used terms and arguments similar to those that would be used in Canadian legislatures decades later. The *Plamondon* plaintiffs argued passionately against the right of antisemites to defame and incite violence against a person's "race." They employed the slippery slope example of European countries that had allowed ideology to evolve into mob violence, and they

asserted, as some scholars still do, that hate literature can make it impossible to distinguish truth from falsehood in the “free and open marketplace of ideas.”⁵⁰ Jacobs and the plaintiffs continually compared Plamondon’s charges to those of dark and backward societies like Beilis’s Russia, and the lawyer argued that “an ignorant mob, whose feelings have been worked up by demagogues,” was an uncontrollable menace to society.⁵¹ “Why seek to stir up the passions of the ignorant against [the Jews] as a nation?” one correspondent to the *Chronicle* asked. “Such passions are very easily aroused, and very difficult to allay.”⁵²

A popular explanation of antisemitism is the “sickness” theory that laid the groundwork for what James Walker has called, the post-Holocaust “search for the origins and nature of [the] pathological condition known as ‘prejudice.’”⁵³ Jews and others already used the notion of disease to understand what seemed to them Plamondon’s irrational but tenacious belief in Drumont’s propaganda, even after he had admitted ignorance of the Talmud. An editorial in the *Canadian Jewish Times* at the time claimed that the ignorant and menacing antisemites were “diseased intellects,” and “it is our duty” it argued, “as true Jews and British citizens to nip the noxious growth in the bud.”⁵⁴ Another editorial in the *Times* warned that “prejudice against the Jew, if left unattacked,

will grow a crop which would, some day, bring about a terrible and unmitigable social and governmental prejudice. To take arms now against these prejudices, while they are still young and afraid of the light of publicity, is one of the duties of every Jew.⁵⁵

Some years later in 1939, Louis Rosenberg called antisemitism “a symptom of the sickness of society.”⁵⁶ Canadian Jews appreciated the organic metaphor of viral antisemitism, and some began to believe in the preventative and prescriptive medicines of using legal action to defend their rights.

Plamondon’s confidence in the antisemitism that he had been taught exemplified what Jews desired to eliminate before

it continued to “stir up the passions of the ignorant.” In a desperate disclaimer, the notary stated that he had communicated Drumont’s ideas in good faith and that any personal defamation was purely unintentional, but he did not retract his words.⁵⁷ In a letter to Harry Friedenwald, an ophthalmologist and a prominent American Jew who served on the American Jewish Committee, Jacobs attributed Plamondon’s lecture to the hate propaganda of Drumont. Optimistically he wrote that the “community in Canada intends, if possible, to put an end, once and for all, to the publication of matter such as this, and the object of the present proceedings is for that purpose.”⁵⁸

Jacobs argued during the trial, that if the libelers were not punished, “It would go forth throughout . . . this country that charges of the most serious nature were made against our people, and the suit against the libelers, when taken, was dismissed.”⁵⁹ He and the plaintiffs anticipated that this trial would alter the way libel was interpreted in the courts, and they expected that it would set a precedent to favour either the Jews or the antisemites. And at first, it appeared that was the case. But the judgement actually hinged on an interpretation of personal libel. Although “the court recognized an individual’s right to sue a group libeller,” Jonathan Cohen noted “the suit disclosed no cause of action in group libel, only one for personal defamation.”⁶⁰ The court was persuaded that the defendant’s false charges were intended to cause direct and individual damage, and the actual ruling was based on numbers. The plaintiffs were granted action, because the number of Jewish families in Québec was only about 75.

This was a decision that sheds light on Canada’s early perception of the relationship between freedom of speech and hate legislation. In cases of defamation, Canadian judges have granted action to plaintiffs belonging to a “relatively small” group and when the libelous “statement refers to all members of the group.”⁶¹ According to Melvin Fenson, the group might be as large as 200, rather larger than in the United States, where on average the law only protects groups of less than twenty.⁶² Such

a definition of the law enabled members of small groups and associations to sue libelers for defamation, but it restricted members of larger groups from taking civil action against defendants who merely criticized the plaintiff's "race" or religion. For example, in *Germain v. Ryan* in 1918, the plaintiff sought action against the defendant for defaming the French-Canadian ethnic group, and he attempted to use *Ortenberg v. Plamondon* as a precedent.⁶³ The Quebec Superior Court decided that the size of the group targeted was so large that the plaintiff could not claim damages. Such cases led David Riesman to dub *Plamondon* "the often-cited but never-followed case."⁶⁴ Still, the 1914 judgement may have acted as a deterrent to propagandists in other Quebec towns with a small Jewish population, such as Joliette and Sherbrooke.⁶⁵

During the *Plamondon* hearings, one of the witnesses for the plaintiffs, Canon Scott, made some perceptive comments on the true nature of the *Plamondon* case—not ritual murder but the tension between freedom of speech and the right of one's group to be protected from harmful defamation. Scott was remembered most for his cheeky comments on ritual murder during the hearings. When asked for his opinion on that part of *Plamondon's* message he replied: "I have to say this, it gave me a nice feeling. ... I am an archaeologist," he began, "and I like old fashioned things, and I find more old fashioned things in Quebec than I do anywhere else; and this old fashioned idea died out in the middle ages." His most discerning comments concerned his comparison of *Plamondon's* lecture to a religious commentary on a differing denomination; he claimed, that "this paper seemed to me to go beyond that. It incited to acts of violence." He then explained to the court, that "we have got liberty of speech here" in Quebec, and one may "criticize my religion; and say that he thinks I am going to hell, if he likes to say that. But," Scott argued, "he cannot incite and say: You must not deal with a man; You must not talk with a man." That "seems to me [where] the injustice of this paper came in."⁶⁶ Scott testified that the lecture crossed a boundary between *Plamondon's* freedom of

speech and Ortenberg's freedom of religion, and he stated "if I were a Jew, and in Lower Town, and had little boys there, I should be very frightened that they might be ... assaulted and might suffer injury." This digression from the doctrinal aspects of the trial to a discussion of the civil liberties that were at stake for each side was innovative. It suggests that although much of the trial was spent arguing the truth of antisemitic myths, some people were aware of the greater issues at stake: the necessity to defend a group against hate propaganda and the need to defend what Frank Scott heralded as "our British tradition of free speech."⁶⁷

The efforts of the plaintiffs and the Jewish Legislative Committee had no mitigating impact on the escalating anti-semitism of French Canada in the 1920s and 1930s, sparked in large part by the radical Judeophobe, Adrien Arcand. But once again, Jews across the country began to seek legal defence against hate propaganda. In the Quebec courts, a Jew from Lachine, A. Abugov, filed suit against Arcand for false and defamatory statements against Jews in the publications *le Goglu* and *le Miroir*.⁶⁸ The case was almost identical to Ortenberg's action against Plamondon, but there was one major difference. As noted, the judgement in the earlier case hinged on the fact that the number of Jewish families in Québec was only 75. Abugov's community in 1931 was technically the same size as Ortenberg's earlier, but Lachine was part of Greater Montreal where tens of thousands of Jews lived.⁶⁹ Unless it could be proved that Arcand had pinpointed the Jews of Lachine, it was unlikely that *Plamondon* would serve as a precedent in the Abugov case. In September 1932, Abugov's case was dismissed to the dismay of the Jewish community.

The judge in the later case, Justice Desaulniers, knew that some Quebec Jews were taking steps to have anti-hate protection enacted by the provincial legislature. In February 1932, Peter Bercovitch and Joseph Cohen, Quebec MPPs, introduced a group defamation bill in the Quebec Legislative Assembly, reminding the house that the *Plamondon* case had demonstrated that even in very general attacks on a "race," each

individual suffers damage.⁷⁰ The bill sought to restrict “the publication and distribution of outrageous subject matter against any religious sect, creed, class, denomination, race, or nationality.” Although the bill offered protection to all groups, *le Devoir* and other papers argued that it was nothing more than an attempt by the Jews to gain “special privileges.”⁷¹ French- and English-Canadian opponents of the bill claimed disingenuously that “minorities were already fully protected.”⁷² The bill was quickly rejected by the Quebec Assembly, and, when it failed, Justice Desaulniers informed Abugov’s lawyers, “that since the legislature had recently declined to empower the courts ... it was not within his discretion to grant Mr. Abugov’s request.”⁷³

Perhaps the failed Bercovitch bill would not have protected Jews from all or even most forms of antisemitism. A similar bill was passed by the Manitoba legislature in 1934 to enable plaintiffs to sue if their “race” or religion were libelled.⁷⁴ Winnipeg’s large Jewish community was the first to benefit directly from the act, but they were also the last. The *Canadian Nationalist* continued to publish antisemitic propaganda after the law was passed, and it was successfully sued by a Captain William Tobias. “Notwithstanding the court decision,” Louis Rosenberg lamented in 1939, the printer “has continued to publish his anti-Jewish newspaper, and no further legal action has been taken against him.”⁷⁵ In the ensuing years, it was not used even once.⁷⁶ Rosenberg argued that the Manitoba legislation’s weakness was that it “cannot make libel against an ethnic or religious group a criminal offence. The injunction has not proved a suitable or popular method of enforcing law in Canada.” Only in the Criminal Code, Rosenberg asserted, would the “specific inclusion of defamatory libel of an ethnic or religious group as constituting a defamatory libel of any individual member of such group defamed, ... do much to clarify and simplify the enforcement of these laws.”⁷⁷

Had Bercovitch’s bill been passed, there would also have been difficulties in slowing the onslaught of antisemitic media in Quebec in the 1930s. The route to effective anti-hate

legislation did not yet appear clear. Anti-defamation bills prohibiting public signs proclaiming racial discrimination were proposed in Ontario in the 1930s by a Jewish member of the provincial legislature, J. J. Glass, and a Christian member, Argue Martin, but they were not passed. “The Manitoba law would remain unique [if ineffective] in Canada until 1970.” Most Canadian officials simply believed, “that the problem of racial discrimination could not be solved through legislation.”⁷⁸

Eventually, according to James Walker, Jews would attempt “to enlist the force of the law to inhibit the behaviour of pathological individuals, both through test cases in the courts and through the introduction of protective legislation.”⁷⁹ In most of the century’s early attempts to eradicate antisemitism, however, including the Plamondon Affair and the ill-fated Manitoba legislation, Jews lacked a “grand strategy” and were merely responding to threats as they arose. But the conceptualization of anti-hate activism was gradually emerging, and in the 1950s, Jewish-led movements succeeded in promoting the legislation that their forebears had begun to envision as early as 1913.⁸⁰

Conclusion

Québec’s debut antisemitic trial confronted many Jews across the country with the pressing need to “nip the noxious growth” of antisemitism “in the bud.” In the volatile environment of 1910, fear struck Québec’s Jewish community. Late that year the Jewish press received anonymous threats from the provincial capital claiming that “one word from a Catholic priest is enough for us to attack the Jews.”⁸¹ A close examination of the media coverage reveals, however, that proactive Jews challenged antisemitism when it manifested itself and sincerely believed Canada’s democratic ideals and laws would keep virulent antisemitism at bay. In the short term, they were wrong about the laws although not about virulent antisemitism of the kind manifested in Europe. Despite physical threats, costly trials, and legal uncertainty, Jews in Canada tested the extent of the law and made it known that they were prepared to fight anti-

semitism. Their victory in the Plamondon case only demonstrated, however, that hate propaganda was acceptable in Canada, that racial prejudice was a deeply rooted part of the country's sensibility, and that legal protection was, for the most part, unavailable.

But *Plamondon* was a beginning, and a new concept of anti-hate activism was born. The case was remembered in the 1930s as Jews and others became increasingly aware of how dangerous and contagious prejudice was and of what would have to be done to eradicate it in Canada. Their awareness would bear fruit in the post-World War years.

NOTES

¹ It is a pleasure to acknowledge the insight and assistance of James W.St.G. Walker, Janice Rosen, and two anonymous readers from the *Journal of Canadian Jewish Studies*.

² For clarity I have used "Québec" to indicate the provincial capital and "Quebec" for the province.

³ Michael Brown, "From Stereotype to Scapegoat: Anti-Jewish Sentiment in French Canada from Confederation to World War I," in *Antisemitism in Canada: History and Interpretation*, ed. Alan Davies (Waterloo: Wilfrid Laurier University Press, 1992), p. 42.

⁴ Idem, *Jew or Juif? Jews, French Canadians, and Anglo-Canadians, 1759-1914* (Philadelphia: The Jewish Publication Society, 1986), p. 134; Thomas P. Anderson, "Edouard Drumont and the Origins of Modern Anti-Semitism," *Catholic Historical Review*, 53 (1968): 37, 41; "Quebec Anti-Semitic Libel Case," *Canadian Jewish Times*, 30 May 1913; Michel Winock, "Edouard Drumont et l'antisémitisme en France avant l'affaire Dreyfus," *Esprit*, New Series 403 (1971): 1088; Maurice Samuel, *Blood Accusation: the Strange History of the Beiliss Case* (New York: Alfred A Knopf, 1966), p. 6; David Rome and Jacques Langlais, *Jews and French Quebecers: Two Hundred Years of Shared History* (Waterloo: Wilfrid Laurier University Press, 1991), p. 53.

⁵ Quoted in David Rome, compiler, *Anti-Semitism I: The Plamondon Case and S. W. Jacobs*, Part 1 (Montreal: National Archives, Canadian Jewish Congress, 1982), p. 16; *Le Congrès de la Jeunesse du*

Québec en 1908 (Montreal: En Vente Au "Semeur," 1909), pp. 11-12; "Editorial," *Le Pays*, 19 March 1910.

⁶ William Ryan, *The Clergy and Economic Growth in Quebec (1896-1914)* (Québec: les Presses de l'Université Laval, 1966), p. 180; Richard R. Jones, "L'Idéologie de l'Action Catholique, 1917-1939," *Revue d'Histoire de l'Amerique Française* 27 (1973): 74; Stuart E. Rosenberg, *The Jewish Community in Canada: Volume 1, A History* (Toronto: McClelland and Stewart Ltd., 1970), p. 181.

⁷ Each lecture was published by the ACJC except for Plamondon's, which René Leduc published in *La Libre Parole*, an antisemitic paper and in a pamphlet that was distributed to over 300 readers; L. C. Farly, "le Québec Juif," in *Le Congrès de la Jeunesse du Québec en 1908* (Montreal: En Vente Au "Semeur," 1909), pp. 118-33; Antonio Huot, *La question Juive: quelques observations sur la question du meurtre rituel* (Québec: Editions de L'Action Sociale Catholique, 1914); Farly, "La Québec Juive," pp. 130, 132.

⁸ "Notary Pleads Guilty to Theft of \$2,000," *Globe*, 4 January 1919.

⁹ Israel Medres, *Montreal of Yesterday: Jewish Life in Montreal, 1900-1920*, tr. Vivian Felsen (Montreal: Eagle Publishing Co. 1947), and (Montreal: Vehicule Press, 2000), p. 124.

¹⁰ Rome, *Anti-Semitism I*, p. 38.

¹¹ According to the Québec newspaper, *L'Evenement*, 21 May 1913; Rome, *Anti-Semitism I*, p. 6.

¹² "Rabbi Glazer Makes Protest," *Chronicle*, Wednesday, 30 March 1910.

¹³ Rome, *Anti-Semitism I*, pp. 60, 62; Gerald Tulchinsky, *Taking Root: The Origins of the Canadian Jewish Community* (Toronto: Lester Publishing Ltd., 1992), pp. 227, 2.

¹⁴ Quoted in Rome, *Anti-Semitism I*, p. 42; William Ryan, *The Clergy and Economic Growth in Quebec (1896-1914)* (Québec: les Presses de l'Université Laval, 1966), pp. 202, 245-6.

¹⁵ Paul-André Linteau, René Durocher, Jean-Claude Robert, *Quebec: A History, 1867-1929*, tr. Robert Chodos (Toronto: James Lorimer, 1983), p. 353; Tulchinsky, *Taking Root*, p. 242.

¹⁶ Quoted in Rome, *Anti-Semitism I*, p. 43.

¹⁷ "The Jews," *Chronicle*, Saturday, 2 April 1910.

¹⁸ Louis Rosenberg, *Canada's Jews: A Social and Economic Study*

of *Jews in Canada in the 1930s*, ed. Morton Weinfeld (Montreal and Kingston: McGill-Queens University Press, 1993), p. 308. The work was first published by Rosenberg in 1939 as *Canada's Jews: A Social and Economic Study of Jews in Canada*.

¹⁹ "The Jews."

²⁰ "Lecture on the Racial Problem," *Chronicle*, 1 April 1910.

²¹ James W. St. G. Walker, "*Race*" *Rights and the Law in the Supreme Court of Canada* (Waterloo: The Osgoode Society for Canadian Legal History and Wilfrid Laurier University Press, 1997), p. 304.

²² Morton Weinfeld, "The Jews of Quebec: An Overview," in *The Jews in Canada*, eds. Robert J. Brym, William Shaffir, and Morton Weinfeld (Toronto: Oxford University Press, 1993), p. 185.

²³ Some of the most powerful effects of hate literature are psychological. See Bob Altemeyer, *The Authoritarian Specter* (Cambridge, MA: Harvard University Press, 1996), Chapter 10, "The Effects of Hate Literature," 235-57 (n. 340-44). Canadian courts now allow a plaintiff to "recover all general damages he has suffered, including injury to his reputation, any wounded feelings, and humiliation, emotional trauma, physical illness and pain and estimated future damages." See Raymond Brown, *The Law of Defamation in Canada* (Toronto: Carswell, 1987), p. 354.

²⁴ Louis Rosenberg, *Canada's Jews*, p. 308.

²⁵ Langlais and Rome, *Jews and French Quebecers*, p. 55; Louis Rosenberg, *Canada's Jews*, p. 304. Rome, *Anti-Semitism I*, pp. 57-58; "Plamondon and Leduc Condemned," *Chronicle*, 29 December 1914; "Court Decision Vindication of Hebrew People," *Montreal Daily Star*, 29 December 1914.

²⁶ *Ortenberg v. Plamondon, Rapports Judiciaires de Québec* (1915), 24 B.R. 69, p. 72.

²⁷ Tulchinsky, *Taking Root*, p. 251. No explanation has been offered for the long delay between the lecture and the trial apart from some short court delays in 1913 due to a judge's illness. See "Quebec Anti-Semitic Libel Case," p. 5.

²⁸ "Quebec Anti-Semitic Libel Case."

²⁹ Philip Lewis and Sir Robert McEwen, *Gatley on Libel and Slander*, 7th ed. (London: Sweet and Maxwell Ltd., 1974), p. 127.

³⁰ "Quebec Anti-Semitic Libel Case."

³¹ Rome, *Anti-Semitism I*, pp. 94, 101.

³² *Ortenberg v. Plamondon* (1913), *Dominion Law Reports* 14, p. 549.

³³ Quoted in Rome, *Anti-Semitism I*, p. 91.

³⁴ “An Act to Amend the Criminal Code,” *Statutes of Canada* (1969-70), c. 39 s. 267.

³⁵ Quoted in Rome, *Anti-Semitism I*, p. 93.

³⁶ Bernard Figler, *Sam Jacobs: Member of Parliament* (Gardenvale, PQ: Harpell’s Press, 1959), p. 221.

³⁷ Quoted in Rome, *Anti-Semitism I*, p. 91.

³⁸ *Ortenberg v. Plamondon* (1913), *Dominion Law Reports* 14, p. 551.

³⁹ “Individual May Not Sue Because Race is Libelled,” *Globe*, 23 October 1913; “Jewish Libel Suit at Quebec Dismissed,” *Montreal Daily Star*, 22 October 1913.

⁴⁰ “The Quebec Trial,” *Canadian Jewish Times*, 14 November 1913.

⁴¹ Tulchinsky, *Taking Root*, p. 253.

⁴² *Winnipeg Free Press*, 23-24 October 1913.

⁴³ “Jews Protest at Ritual Murder Charge at Kiev,” *Montreal Daily Star*, 20 October 1913; Joel Berkowitz, “The ‘Mendel Beilis Epidemic’ on the Yiddish Stage,” *Jewish Social Studies* 8 (2001): 201.

⁴⁴ Albert Lindemann, *The Jew Accused: Three Anti-Semitic Affairs (Dreyfus, Beilis, Frank), 1894-1915* (Cambridge: Cambridge University Press, 1991), p. 95.

⁴⁵ Figler, *Sam Jacobs*, p. 26.

⁴⁶ *Ortenberg v. Plamondon* (1915), 24 B.R. 69, p. 77.

⁴⁷ B. G. Sack, *Canadian Jews—Early in This Century* (Montreal: National Archives, Canadian Jewish Congress, 1975), p. 87.

⁴⁸ “Plamondon and Leduc Condemned.”

⁴⁹ “Les Juifs Contre Plamondon,” *Le Devoir*, 28 Decembre 1914.

⁵⁰ Altemeyer, *Authoritarian Specter*, p. 256.

⁵¹ Quoted in Tulchinsky, *Taking Root*, p. 253.

⁵² “The Jew,” *Chronicle*, 4 April 1910.

⁵³ James W. St. G. Walker, “The ‘Jewish Phase’ in the Movement for Racial Equality in Canada,” *Canadian Ethnic Studies* 34 (2002): 2.

⁵⁴ “The Quebec Trial.”

⁵⁵ “Fighting Prejudice,” *Canadian Jewish Times*, 25 July 1913.

⁵⁶ Louis Rosenberg, *Canada’s Jews*, p. 300.

⁵⁷ David Rome, compiler, *Anti-Semitism II: The Plamondon Case and S. W. Jacobs*, Part 2 (Montreal: National Archives, Canadian Jewish Congress, 1982), p. 117. According to Lewis and McEwen in *Gatley on Libel and Slander* (p. 349), “cases of unintentional defamation a person who claims that he published the alleged defamatory words innocently in relation to the person defamed, may escape liability for damages.”

⁵⁸ Quoted in Rome, *Anti-Semitism I*, p. 87.

⁵⁹ *The Quebec Jewish Libel Case: Address Delivered by S. W. Jacobs, K.C., Counsel for the Plaintiff; Before the Superior Court, Quebec, May 23, 1913* (Montreal: The Jewish Times Publishing Co. Ltd., 1913), p. 4.

⁶⁰ Jonathan Cohen, “More Censorship or Less Discrimination? Sexual Orientation Hate Propaganda in Multiple Perspectives,” *McGill Law Journal* 46 (2000): 84, n. 82.

⁶¹ Raymond Brown, *The Law of Defamation*, p. 236.

⁶² Melvin Fenson, “Group Defamation: Is the Cure Too Costly?” *Manitoba Law School Journal* 1 (1964-65): 258.

⁶³ Cohen, “More Censorship,” p. 84, n. 82; Fenson, “Group Defamation,” p. 258.

⁶⁴ David Riesman, “Democracy and Defamation: Control of Group Libel,” *Columbia Law Review* 42 (May 1942): 766.

⁶⁵ Louis Rosenberg, *Canada's Jews*, p. 308.

⁶⁶ “Quebec Anti-Semitic Libel Case.”

⁶⁷ Frank Scott, *Essays on the Constitution* (Toronto: University of Toronto Press, 1977), pp. 61-64.

⁶⁸ Pierre Anctil, “Interlude of Hostility: Judeo-Christian Relations in Quebec in the Interwar Period, 1919-39,” in *Antisemitism in Canada: History and Interpretation*, ed. Alan Davies (Waterloo: Wilfrid Laurier University Press, 1992), p. 157.

⁶⁹ In 1931, Lachine had only 266 Jews, according to Louis Rosenberg in *Canada's Jews*, p. 31; Anctil, “The Interwar Period,” p. 137.

⁷⁰ “House Discusses Ending Race and Creed Attacks,” *Montreal Star*, 17 February 1932.

⁷¹ Walker, “The ‘Jewish Phase,’” p. 4.

⁷² “House Discusses Ending Race and Creed Attacks.”

⁷³ Walker, “Race” *Rights and the Law*, pp. 194-95.

⁷⁴ *Ibid*, p. 195.

⁷⁵ Louis Rosenberg, *Canada's Jews*, p. 303.

⁷⁶ Fenson, "Group Defamation," p. 258

⁷⁷ Louis Rosenberg, *Canada's Jews*, p. 303.

⁷⁸ Walker, "*Race*" *Rights and the Law*, pp. 195-96.

⁷⁹ Idem. "The 'Jewish Phase,'" p. 3.

⁸⁰ *Ibid.*, p. 17.

⁸¹ Quoted in Michael Brown, *Jew or Juif*, p. 145.