



Respecting the Doukhobors' Rights in British Columbia

This MysteryQuest examines documents from the early twentieth century to assess the Doukhobors' ability to exercise their political and religious freedoms and the government's efforts to assert authority over the Doukhobors. Students learn to evaluate the protections regarding freedom of conscience and religion under the present-day Charter of Rights and Freedoms.

A critical thinking challenge to accompany

Great Unsolved Mysteries in Canadian History

*Explosion on the Kettle Valley Line:
The Death of Peter Verigin*

<http://www.mysteryquests.ca/quests/15/indexen.html>

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based on an approach developed by The Critical Thinking Consortium (TC²)

www.tc2.ca

Ages

14-18

Courses

Canadian history, civics, social studies

Key Topics

- Doukhobors in British Columbia
- immigrant minority groups
- government policies and immigrants

Critical Challenge

Were the rights of Doukhobors to live according to their deeply-held religious and social beliefs violated by government officials in the first half of the twentieth century?

Broad Understanding

- Students will learn to find relevant evidence in text sources to support an argument.
- Students will learn to assess the constitutionality of government actions in light of present-day Charter standards.

Requisite Tools



Background knowledge

- knowledge of the Doukhobors' deeply-held religious and social beliefs
- knowledge of government policies toward immigrant groups



Criteria for judgment

- criteria for sound conclusion (e.g., plausible, supported with accurate evidence)



Critical thinking vocabulary

- inference
- point of view
- historical validity



Thinking strategies

- data charts
- counter arguments



Habits of mind

- full-minded
- fair-minded
- attention to detail

Independent Study

This lesson can be used as a self-directed activity by having students individually or in pairs work their way through the guided instructions and support material found at <http://www.mysteryquests.ca/quests/15/indexen.html>.

Whole Class Activities

On the following pages are suggested modifications of the self-guided procedures found on the MysteryQuest website for use with a class of students. For convenience, each support material and set of directions found on the website is reproduced next to the relevant suggestions for whole class instruction.

Suggested Activities

Introduce the Doukhobors

- Using *Introduction* as a guide, introduce students to the Doukhobors and explain the challenge that is the focus of their investigation.

INTRODUCTION

Late in the evening of October 28, 1924, Peter Verigin boarded a Canadian Pacific Railway train at Brilliant, British Columbia, the headquarters of the Doukhobor community. About one in the morning a horrific explosion blew away the roof and sides of the coach. Verigin and eight others perished in the explosion, which investigators on the scene quickly concluded was no accident.

Known by the single name "Lordly," Peter Verigin lived like royalty among a group of Russian immigrants to Canada, the Doukhobors, whose motto was "Toil and Peaceful Life." The Doukhobors preached equality and rejected the authority of both Church and State. As a result, they were persecuted in Russia. In 1902, their leader, Peter Verigin, and many of his community came to Canada to take up a new life.

Yet they did not find peace in Canada. Doukhobor protests against what they saw as governmental interference with their religious and political freedoms involved arson, public nudity, and refusal to pay taxes or send their children to school. Because of this unusual behaviour, many regarded the Doukhobors as undesirable citizens and they were under surveillance by the RCMP.

Did Canada live up to its promise as a land of religious tolerance and political freedom? Or were the rights of Doukhobors to live according to their deeply-held religious and social beliefs violated?

- Using *The Task* as a guide, outline the activities that students will undertake.
- You may want to download and display pictures of the Doukhobors, their way of life, and government responses to them.

THE TASK

In this MysteryQuest you are invited to take on the role of a human rights advocate and prepare a legal opinion on the following question: Would government treatment of the Doukhobors in the early twentieth century have been legal if it had occurred today, under the guarantees provided by the *Charter of Rights and Freedoms*? You will focus your attention on Doukhobor conflicts with the authorities involving the freedom of conscience and religion.

First, you will learn about the Doukhobors and their history. You will use a timeline of this group's struggles with authorities over three centuries to gather information about the nature of their conflicts and the basis for government attempts to assert authority over the Doukhobors. Next, you will read about the grounds upon which governments are permitted to limit a group's fundamental rights under the *Charter of Rights and Freedoms*. You will examine primary documents from the early twentieth century, looking for evidence to determine whether or not the Doukhobors were legitimately exercising their freedom of conscience and religion and whether or not governments were justified in their responses. Finally, based on the evidence you find, you will prepare a legal brief or opinion on the legality, under the terms established by the *Charter*, of the historical respect by Canadian authorities for the Doukhobors' freedom of conscience and religion.

Learn about the Doukhobors

- Point out to students that in order to determine whether or not the rights of the Doukhobors were violated, they will need to learn more about this minority group.
- Using *Step 1: Learn about the Doukhobors* as a guide, download and distribute copies of the Secondary Documents listed.
- You may choose to divide the class into three groups and assign one document to each group. Ask students to share their findings with the whole class so that all students have access to all the information.

STEP 1: LEARN ABOUT THE DOUKHOBORS

Your first task is to learn more about the Doukhobors. Read the following documents — two of these documents are accounts by historians explaining the conflicts that Doukhobors have encountered, and the third is a song composed by a Doukhobor, expressing her group's commitment to hard work and peaceful living:

Conflicts Among Doukhobors and With Their Neighbours
Doukhobor Culture and Migration to Canada
Toil and Peaceful Life

Analyse the historical conflicts

- Draw students' attention to the fact that the history of the Doukhobors is a history of three centuries of conflict with authorities, beginning with Russian authorities and extending to Canadian governments.
- Using *Step 2: Analysing the historical conflicts* as a guide, discuss with students the events listed on the Timeline document found in *Evidence in the Case*. You may want to prepare a hard copy of the timeline and have students work in small groups or with a partner to analyse the timeline. Or, you may choose to divide the timeline into sections and assign different groups of students the responsibility of leading the discussion.
- Focus attention on two kinds of actions:
 - attempts by Doukhobors to assert what they believe to be their basic rights;
 - attempts by provincial or federal governments to assert their authority over the Doukhobors.

STEP 2: ANALYSING THE HISTORICAL CONFLICTS

The history of the Doukhobors is a history of three centuries of conflict with authorities, beginning in Russia and then, in the past century, extending to Canada. To help you understand the nature of these tensions, read through the Timeline of this group's history from 1720 to 1986.

As you skim the description of each history event, focus your attention on two kinds of actions:

- attempts by Doukhobors to assert what they believe to be their basic rights;
- attempts by provincial or federal governments to assert authority over the Doukhobors.

Record brief details on these two kinds of attempts in the appropriate sections of the chart *Doukhobors vs the Government*. For each of these actions, identify the right or value that seems to lie behind the Doukhobors' or the governments' actions. Do you notice any patterns? What seem to be the main issues behind the Doukhobors' actions and behind those of various governments?

EVIDENCE IN THE CASE

Secondary documents

Conflicts Among Doukhobors and With Their Neighbours
 Doukhobor Culture and Migration to Canada
 Toil and Peaceful Life
 Timeline

Primary documents

Letters

John Oliver, Letter from John Oliver Replying to Mr. G.R. Parks, June 2, 1924
 P. Verigin, P. Verigin Letter to J.D. MacLean Regarding State of Doukhobor Education, November 11, 1927
 F. Maxortoff, Police Raid Doukhobors, April 13, 1925

Newspaper article

"A Menace to the District", *Grand Forks Gazette*, September 14, 1912

Magazine article

Mrs. W. Garland Foster, "A Doomed Utopia", *Saturday Night*, June 14, 1924

Book

J.T.M. Anderson, "The Education of the New-Canadian: A Treatise on Canada's Greatest Educational Problem" (London and Toronto: J.M. Dent & Sons, 1918), p. 31-34, 93-94

- Duplicate and distribute to students copies of *Doukhobors vs the Government*. Explain to students that they are to record brief details of these two kinds of attempts in the appropriate sections of the chart. For each of these actions, identify the right or value that seems to lie behind the Doukhobors' or the governments' actions.
- When students have completed their charts, discuss their findings as a class. Ask if students notice any patterns. What seems to be the main issue behind the actions of each group?
- Help students recognize that two major concepts emerge from the discussion of these sources: pacifism (the belief that war and violence are morally unjustified) and dissidence (disagreeing, especially with an established government system).



MysteryQuest 15 Support Materials 1 (Activity Sheet)

Doukhobors vs the Government

| Year | Description of Doukhobor actions | What rights were the Doukhobors asserting? |
|------|----------------------------------|--------------------------------------------|
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| Year | Description of government actions | What rights were the authorities asserting? |
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Explore grounds for limiting basic rights

- Using *Step 3: Explore the grounds for limiting basic rights* as a guide, ask students if they think it is ever acceptable to limit a group's basic rights.
- Point out that the freedom of conscience and religion is the right to believe and reveal the legitimate dictates of our deeply-held ethical and religious principles. Because it safeguards a person's ability to act on fundamental convictions about right and wrong, it is one of the most basic rights in a democracy.
- Draw students' attention to the fact that many of the Doukhobors' conflicts with the authorities seem to focus on this right. However, no rights are absolute - there are limits on the extent to which any right can be asserted.
- Discuss with students the *Canadian Charter of Rights and Freedoms*. Explain to students that they will be using the requirements established by this constitutional document as a basis for assessing the actions of the government to impose control, including requiring Doukhobor children to attend school.
- Duplicate and distribute to students copies of *Reasonable Limits on Charter Rights* and discuss as a class.
- Explain that rights under the *Charter* can be overridden, provided the limits placed on these rights meet certain conditions:
 - the limits are prescribed by law and are not simply the result of government officials acting on their own direction without adequate authority;
 - the objective in limiting the right is clearly justified - it must serve an important objective and be consistent with democratic principles of respect for human dignity, cultural differences, and equality;
 - the means used to limit the right is clearly justified and not too broad or disruptive.
- Point out that the three factors are central to deciding whether a government action was a reasonable limit or an unwarranted infringement of a basic right under the *Charter*.

STEP 3: EXPLORE THE GROUNDS FOR LIMITING BASIC RIGHTS

The freedom of conscience and religion is the right to believe and reveal the legitimate dictates of deeply-held ethical and religious principles. Because it safeguards a person's ability to act on fundamental convictions about right and wrong, it is one of the most basic rights in a democracy. Many of the Doukhobors' conflicts with the authorities seem to focus on this right. However, no rights are absolute — there are limits on the extent to which any right can be asserted.

Although the *Canadian Charter of Rights and Freedoms* was not established until 1982 — years after the events described in the timeline — we will use the requirements established by this constitutional document as the basis for assessing the actions of government to impose control, including requiring Doukhobor children to attend school. Under the *Charter*, governments in Canada are allowed to override certain rights provided they are "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Well, what exactly does this mean? Read *Reasonable Limits on Charter Rights* for a more detailed discussion of these requirements. But, in brief, the rights under the *Charter* can be overridden, provided the limits placed on these rights meet certain conditions:

- the limits are prescribed by law and are not simply the result of government officials acting on their own direction without adequate authority;
- the objective in limiting the right is clearly justified — it must serve an important objective and be consistent with democratic principles of respect for human dignity, cultural differences, and equality;
- the means used to limit the right is clearly justified and not too broad or disruptive.

These three factors are central to deciding whether a government action was a reasonable limit or an unwarranted infringement of a basic right under the *Charter*.

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Support Materials 2 (Briefing Sheet)

Reasonable Limits on Charter Rights

Basic or fundamental rights are not absolute under the *Canadian Charter of Rights and Freedoms*. Even when a right has been infringed by a government authority, it may still not be a violation of the *Charter* if there are good reasons for limiting the right. When applying the *Charter*, judges must determine whether it may be reasonable to limit the exercise of a right in a certain range of situations. The task of applying this "reasonable limits" clause is a difficult one. Over the course of deciding a number of key cases, the Supreme Court of Canada has elaborated on how reasonable limits are to be determined.

The Court has clarified that even though a right has been infringed, it may be permitted if three conditions are met:

- it can be shown that the limitation is prescribed by law;
- the objective in limiting the right is clearly justified;
- and the means used to limit the right is also clearly justified.

Prescribed by Law

To be "prescribed by law," a limit must either be embodied in a valid law or be authorized by a properly delegated official or agency. For example, a government official making decisions on an inconsistent, arbitrary basis would not be acting in a manner prescribed by law. Much of the time, a limitation is prescribed by law in that police officers or other governmental agents are authorized by specific statutes to act in these instances. But the law must provide the officials with clear guidelines or standards upon which to base their assessments; otherwise, their decisions may not be accepted as legally prescribed.

Clearly Justified Objective

The second stage in establishing the reasonableness of a limitation is to show that its objective or purpose of limiting the right is of sufficient merit and importance to justify overriding a constitutionally protected right or freedom. This involves balancing the interests of the state and the rights of the individual — the more serious the infringement of the right, the more important the objective sought in limiting the right must be. A limit would be clearly unjustified if its objective was inconsistent with the values of a "free and democratic society" — examples of such values include respect for the dignity of persons, equality and social justice, and respect for cultural and group identity.

Clearly Justified Means

The final consideration in defending a limitation on a right requires showing that the means used to pursue the objective is clearly justified. Three factors to consider are whether the:

- means is carefully designed to achieve the objective in question;
- means interferes as little as possible with the right or freedom in question (there is no less disruptive way to achieve the desired result);
- government action does not cause more harm than it avoids.

If a government can show that the limits it has placed on basic freedoms meet the above conditions, then its actions are "reasonable limits" under the *Charter*.

Gather evidence from primary sources

- Direct students to the Primary Documents section of *Evidence in the Case*.
- Using *Step 4: Gathering evidence from primary sources* as a guide, explain that the six documents listed in this section present various people’s opinions from the early twentieth century on the actions of governments and Doukhobors.
- Ask students to work with a partner to examine these sources for evidence that might inform their conclusions about the reasonableness of the limits placed on the Doukhobors. More specifically, they should look for evidence of two kinds:
 - *Legitimate exercise of their rights*: Evidence that the Doukhobors were involved (or were not involved) in legitimate exercise of freedom of conscience and religion. For example, is there evidence to suggest whether Doukhobor objections to schooling were matters of conscience or motivated by desire for economic benefit (to have the children available for work)?
 - *Justified limits on their rights*: Evidence that the government was justified (was not justified) in limiting Doukhobor freedom of conscience and religion. For example, is there evidence to suggest that the government’s reason for wanting Doukhobor children to attend school was an attempt to impose the dominant cultural way of life on the Doukhobors or the result of a sincere concern for the children’s welfare?
- Distribute to students copies of *Doukhobor Rights: For and Against*. Draw students’ attention to the spaces on the chart where they are to identify evidence in each document that supports and that challenges each group’s actions.
- Remind students that they may need to make inferences – conclusions based on evidence – as many of the documents are written by people who have a particular agenda motivating their writings.

STEP 4: GATHERING EVIDENCE FROM PRIMARY SOURCES

In the “Primary documents” section of *Evidence in the Case* you will find six documents that present various people’s opinions from the early twentieth century on the actions of governments and the Doukhobors. Working alone, or with a partner, examine these sources for evidence that might inform your own conclusion about the reasonableness of the limits placed on the Doukhobors. More specifically, in each document you examine look for evidence of two kinds:

- **Legitimate exercise of their rights**: Evidence that the Doukhobors were involved (or were not involved) in legitimate exercise of freedom of conscience and religion. For example, is there evidence to suggest whether Doukhobor objections to schooling were matters of conscience or motivated by desire for economic benefit (to have the children available for work)?
- **Justified limits on their rights**: Evidence that the government was justified (was not justified) in limiting Doukhobor freedom of conscience and religion. For example, is there evidence to suggest that the government’s reason for wanting Doukhobor children to attend school was an attempt to impose the dominant cultural way of life on the Doukhobors or the result of a sincere concern for the children’s welfare?

Use the chart *Doukhobors Rights: For and Against* to record your key findings on these two themes. You will notice that the chart invites you to identify evidence in each document that supports and challenges each group’s actions. You may need to “read between the lines” when gathering this evidence, as many of the documents are written by people who have a particular agenda motivating their writings.



MysteryQuest 15

Support Materials 3 (Activity Sheet)

Doukhobor Rights: For and Against

| | Exercising their rights | | Limiting the rights | |
|-------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| | Evidence that Doukhobors were involved in legitimate exercise of freedom of conscience and religion | Evidence that Doukhobors were not involved in legitimate exercise of freedom of conscience and religion | Evidence that the government was justified in limiting Doukhobor freedom of conscience and religion | Evidence that the government was not justified in limiting Doukhobor freedom of conscience and religion |
| <i>John Oliver (letter)</i> | | | | |
| <i>Peter Verigin (letter)</i> | | | | |

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Prepare your legal brief

- Using *Step 5: Prepare your legal brief* as a guide, explain to students that they have completed their research to shed some light on the historical experiences of the Doukhobors in Canada and are ready to present their conclusions.
- Instruct students to prepare a legal brief of approximately 300 words on the following issue: Was the government's treatment of the Doukhobors in the early twentieth century consistent with the *Charter* guarantee of freedom of conscience and religion? Or, were government actions not demonstrably justified?
- Remind students that when building their case, they should refer to specific evidence from the documents to justify two conclusions: (1) whether or not the Doukhobors were involved in the legitimate exercise of their freedoms and (2) whether or not government actions were justified limitations.

STEP 5: PREPARE YOUR LEGAL BRIEF

The readings and timeline have shed some light on the historical experience of the Doukhobors in Canada. You have read primary documents presenting different views on the Doukhobors' exercise of freedom of conscience and religion and on the government's restrictions. Now you have a chance to present your conclusions. Prepare a legal brief of approximately 300 words on the following issue: Was the government's treatment of the Doukhobors in the early twentieth century consistent with the Charter guarantee of freedom of conscience and religion? Or, were government actions not demonstrably justified?

In building your case, refer to specific evidence from the documents to justify two conclusions: (1) whether or not the Doukhobors were involved in the legitimate exercise of their freedoms, and (2) whether or not government actions were justified limitations.

Evaluation

- Use the rubric *Assessing the Importance and Relevance of Evidence* to assess students' ability to identify important statements from historical documents and show their relevance to the exercise and restriction of the Doukhobors' rights. Use the rubric *Assessing the Presentation of Conclusions* to evaluate students' legal briefs.



Assessing the Importance and Relevance of Evidence

| | Outstanding | Very good | Competent | Satisfactory | In-progress |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Identifies important evidence and shows relevance to the issue | Identifies the most important information in the documents and correctly shows the relevance of each to the issue. | Identifies most of the important statements in the documents and correctly shows the relevance of most of these to the issue. | Identifies some statements in the documents, but important ones are omitted and the relevance is not always correctly identified. | Identifies some statements in the documents, but few of the important ones are included and the relevance is not always correctly identified. | Identifies few or no statements in the documents. |



Assessing the Presentation of Conclusions

| | Outstanding | Very good | Competent | Satisfactory | In-progress |
|------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Convincing conclusions | Conclusions are thoroughly supported with highly convincing evidence. | Conclusions are well supported by the evidence with only minor gaps or unaddressed issues. | Conclusions are consistent with the evidence provided but key issues are inadequately addressed. | Conclusions are offered but reasons are weak. | No clear conclusions are offered or the evidence is largely irrelevant. |
| Use of documentary evidence | References to documentary evidence are abundant and carefully chosen. | References to documentary evidence are abundant and generally well chosen. | Good use of documents but more are needed. | Relatively few documents are cited and these are not necessarily the most relevant. | Almost no appropriate documents are cited. |
| Presentation format | Excellent use of the presentation format. Is an exemplar to show others. | Uses presentation features to produce a generally clear, sequenced, and engaging presentation. | Some aspects of the presentation format are effective while other elements are confusing or distracting. | Overall effect takes away from main message. | Presentation is so confusing and cluttered that it is very difficult to understand the message. |
| Writing mechanics | Error-free in grammar and spelling. | An occasional minor error in grammar or spelling. | Text is generally understandable but contains numerous errors in spelling and grammar. | Errors detract from the overall effect. | The many serious errors in grammar and spelling make it very difficult to understand the presentation. |

Extension

- Invite students to work individually or as a class to pursue the suggested activities listed in *Extension*.

EXTENSION

Examine additional evidence

"Doukhobor bomb blast ignites fear in the Kootenays"

- A pattern repeated?
- Does this story challenge or confirm the position you presented in the debate?

Updating the issue: The Doukhobors today

Develop a map comparison

Start with one of the historical maps available on the Explosion on the Kettle Valley Line Mysteries site.

Design a new map that shows the size and location of Doukhobor communities in Canada today.

Locate information about the Doukhobors in Canada today

Go to the "Films and Websites" section of Beyond This Site.

Are any of the historical patterns/issues you have uncovered still shaping the experience of Doukhobors in Canada today?

Explore other challenges

Apply your detective skills to other mysteries associated with the Doukhobors:

- MysteryQuest 8 invites you to try to understand the Doukhobors' actions from their perspective;
- MysteryQuest 21 invites you to assess the fairness of media reporting of the Doukhobors;
- MysteryQuest 12 invites you to collect evidence about the suspects in the death of their leader, Peter Verigin;
- and MysteryQuest 11 invites you to reconstruct the crime scene.