

The Black Robe

Jim McMurtry¹

¹ Departments of Social Studies and English, Abbotsford, Canada

E-mail: jimmmcmurtry01@gmail.com

I used to read a children's book to my kids when they were small called *Something from Nothing*, by Phoebe Gilman, which is based on the Yiddish folktale *Joseph's Overcoat*. In the Gilman book, Joseph holds onto a blanket given to him when he was a baby by his grandfather. Joseph's mother wants the now-tattered blanket thrown away, but her son wants to keep it and asks his magically resourceful grandfather to make the blanket into other useful items. Sure enough, his grandfather remakes the blanket into other things as it continues to fall apart and shrink in size.

One day, Joseph loses the last thing made from the blanket material, a button, and becomes frantic, leading his mother to pronounce coldly that even his grandfather cannot make something from nothing. Happily, Joseph realizes in time that there is indeed material left over, material enough for a wonderful story.

The folktale *Joseph's Overcoat* is similar to the story of my father's judicial robe. When he retired as a judge, he gave it to me to use as a costume for students in high school mock trials. The robe eventually became dirty from overuse and I put it in the wash, on the cycle for delicates, but its black colour ran and the robe became a blotchy gray and ruffled mess. Much like a garment left out too long in the sun or rain, it lost its sheen and smoothness. When my wife saw it, she declared it ruined.

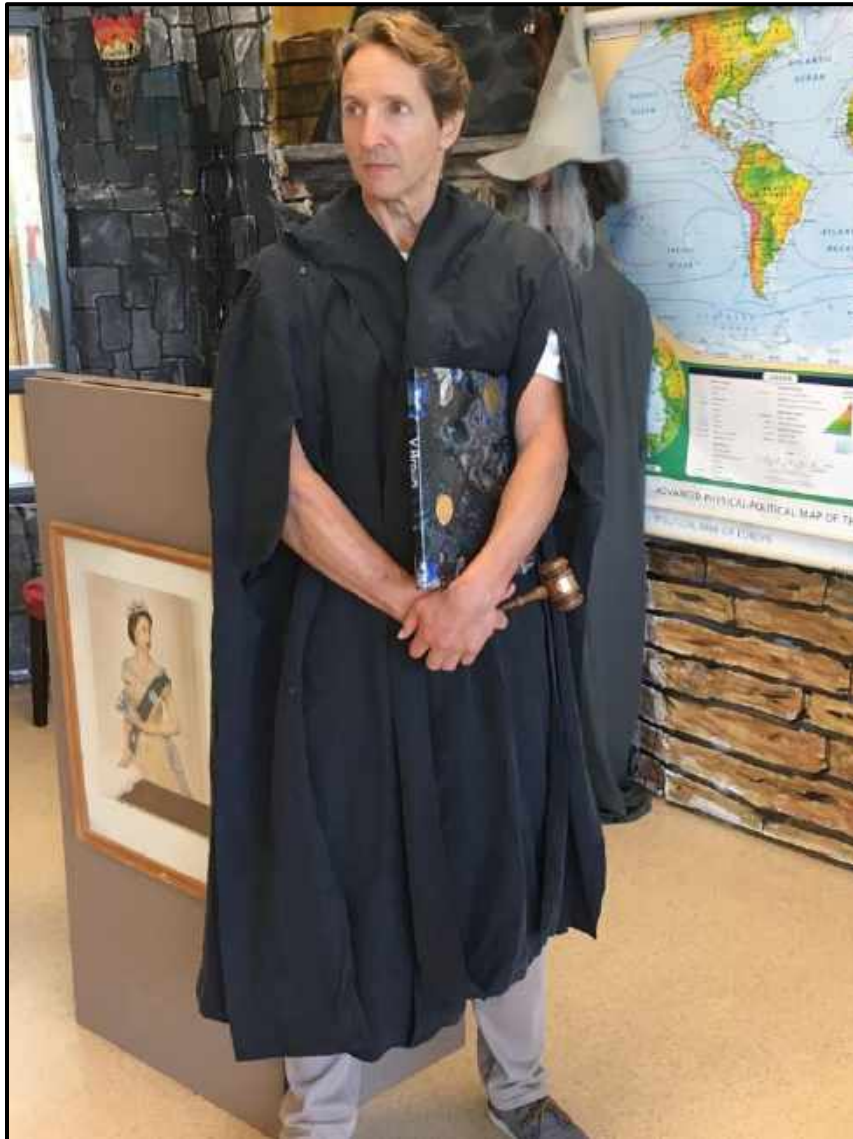
I continue to wear the robe. A drycleaner restored some its black colour and erstwhile lustre, and it still allows me to role-play, to play judge in occasional mock trials at school when something has gone wrong, unacceptably wrong, like a student cheating on a test or stealing from another student. The robe carries weight. It's an artifact from an Ontario court decades ago. It was worn by a real judge in a real court in a country where the law matters.

Most of my students are from other countries and cultures, either first- or second-generation Canadians. They know that Canada is rich and peaceful. They know that the air and water are relatively pure and there is lots of nature at our doorstep, but what strikes them the most is that there is less corruption here. Their families can trust the government. They can trust the police. They wait patiently in lines. Their parents drive quietly and in concert with other cars on the road.

Students from other cultures are preternaturally cognizant of Canada's reputation for "peace, order and good government," words used in Section 91 of the *Constitution Act, 1867* to define the lawmaking authority of our federal parliament in relation to provincial authority. Yet I cannot say that immigrant children are uniformly well behaved in the classroom. I tell all my students on the first day of the school year that Russian writer Leo Tolstoy once said. "What good is a house if one doesn't know how to live in it?" The same applies to the classroom. I insist on respectful behaviour but few classes go by without some type of misconduct, and if it gets bad, I reach for the robe and announce that the classroom has been rendered into a courtroom.

For every mock trial, I pull out a gavel, a Bible and a small copy of the *Criminal Code*. Yet I know that a gavel isn't used in a Canadian court, that the Bible is increasingly anachronistic in a secular society, and that the Criminal Code has no place in court proceedings based on case law. The robe, however, is still relevant: it is authentic, it makes me authentic, and it helps me convince students about the importance of the rule of law.

I begin each mock trial with an arraignment, telling students that this word comes from the French word for spider (*araignée*), for being arraigned is tantamount to being caught in a spider's web. An accused is either punished, if pleading guilty, or forced to go on trial, if pleading not guilty. There is no escape from the *araignée*.



The robe for me is a symbol of the law we all live under. It is also a reminder of the societal role my father once played, and more importantly a reminder to me of him, a loving parent. I do admit that I have thrown out articles of clothing and other gifts bequeathed to me by him, for clothing doesn't last decades and sartorial fashions do change. Yet this robe will long stay with me, in a classroom drawer and one day, after my retirement, in a house closet.

Not that I see the robe as immortal. When it too gets too worn or moth-eaten to keep, it will be thrown out, but it won't ever be gone. As with Joseph's overcoat, it will still be a wonderful, whimsical story.