John McKeown is certified by the Law Society of Upper Canada as a specialist in intellectual property law, specifically in the areas of copyright and trademark law, and is the author of Fox Canadian Law of Copyright and Industrial Design and Canadian Intellectual Property Law and Strategy: Trademarks, Copyright and Industrial Designs. He has published numerous articles on intellectual property, speaks frequently on the matter, and has appeared in the Federal Courts. McKeown’s practice includes the registration, protection and licensing of trademarks, with an ever increasing emphasis on the Internet and domain names. Given his experience and qualifications, he is well positioned to write on brand management in Canada.

There are very few texts written that provide a holistic view of brand management. Indeed, there are few law texts written on brand management at all. This edition covers several topics related to brand management law that are not found in others books. Chapter titles include “The Brand,” which offers a good discussion of all the elements of a brand, “Selecting a Brand Name,” and “Branding on the Internet;” there are a number of additional chapters on protecting brand names through registration and enforcement, protecting product shape and appearance, packaging, advertising and the development of effective brand management guidelines and policies. The issue of brand protection comprises two thirds of the book.

Brand Management in Canadian Law provides the reader with a table of contents, a table of cases and an index. Citations are conveniently located in the table of cases, together with pages referenced in the book. Footnotes include full case citations and analysis where needed. A bibliography of references is included; the reader will also find references in the page footnotes. Summaries and checklists are included at the end of each chapter, although the full-text of relevant legislation is not included. Nonetheless, content is concise, and the analysis is written in clear, plain language that is easy to read.

This text would be an essential addition to any brand management or intellectual property law collection. Practitioners, students, and librarians alike will appreciate the practical checklists and analysis.

Laura Lemmens, B.A. B.Ed. M.I.I.S.
Head Librarian
Alberta Government Library – Great West Life Site
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The authors of Civil Litigation (part of Irwin Law’s “Essentials of Canadian Law” series) provide readers with an introduction to the procedural rules governing civil disputes between parties. Expert commentary by Janet Walker (Professor of Law at Osgoode Hall Law School) and Lorne Sossin (now Dean of Osgoode Hall Law School; at time of publication Professor of Law at the Faculty of Law, University of Toronto) illuminates the law involved in the process of civil litigation. Aimed at law students and lawyers, this book offers a good summary of the law of procedure that must be followed and used in conjunction with substantive law in common law civil disputes.

Touted as the first text of its kind in that it not only describes but also contextualizes civil procedure, it stands out among other notable civil law casebooks such as Walker’s, The Civil Litigation Process: Cases and Materials, 7th ed.; commentary which is limited to a single provincial jurisdictional like the Watson and McGowan’s annual Ontario Civil Practice; or continuing education materials published by the Ontario Bar Association or the Continuing Legal Education Society of British Columbia, for example.

By dividing the steps or parts involved into easily identifiable topics, the book explains the process of civil litigation in chapters such as “Costs and Access to Justice” (Chapter 2), “Commencing a Claim” (Chapter 3), and “Pleadings” (Chapter 4). The authors also provide authoritative annotations that are insightful while explaining “Class Proceedings” (Chapter 6), “Discovery” (Chapter 7), “Privilege” (Chapter 8), “Discovery without Trial” (Chapter 9), “Pre-trial Relief” (Chapter 10), and “Civil Justice Reform” (Chapter 11).

Acknowledging that only 2-3 % of disputes are resolved through litigation in the courts, the authors describe other ways that disputes can be settled and where these alternative methods, dismissed claims, summary judgments or trials, and mediation, for example, are placed in the resolution process.

A glowing foreword by Justice Robert J. Sharpe of the Ontario Court of Appeal and former Dean of the Faculty of Law, University of Toronto reinforces the significance of this work for legal professionals, those in academia and those with an interest in the legal system.

The detailed table of contents and the index are good finding and navigation tools for readers. For those who want to do further research into civil procedure, a List of Court
Rules for each of the provinces and territories is provided, as well as a Table of Cases for cases mentioned in the book. Bibliographic references can be found in footnotes throughout the book. For future editions of this title, a glossary of legal terms would be an asset for readers who are either unfamiliar with certain aspects of or are just learning about the law.

Academic, courthouse, and public libraries would benefit from having this book in their collection as it breaks down the components of civil litigation for seasoned legal professionals who need a refresher, law students who are just learning about procedural law, and those members of the general public who are interested in self-representation.

Vicki Jay Leung
Reference Librarian
Paul Martin Law Library, University of Windsor


In his preface, Prof. Bederman characterizes customary law as the traditional practices of a community which are acknowledged by that community as a source of law. The author then goes on to ask whether such traditional practices are a source of law which should be recognized in our modern, sophisticated legal systems. The book examines customary law historically and comparatively and is divided into three parts, Customary Law in Perspective, Custom in Domestic Legal Systems, and Custom in International Law.

Chapter 1 sets the stage by discussing custom in preliterate societies. It then examines custom (unwritten law) in Roman law, which includes custom in its binding legal sources. The chapter follows the evolution of customary law through the jus commune of the medieval period to the rise of Canon law, and looks at what each of these three legal cultures required as proof of validity. The chapter ends with the insoluble puzzle of customary law: is it an elitist or a popular institution?

The next chapter traces the history of common law and custom in England through the writings of such major figures as Blackstone, whose Commentaries show custom as an integral part of English law, and the Prescription Act of 1832 which made English law more accommodating to local customs. The author notes that American law developed along different lines, requiring that the law be written and published by authority of the state.

The last chapter in this section examines the human impulse towards custom. Is custom part of basic human nature, or is it based on efficiency and rationality? Does it come from the expectations of ordinary citizens or is it imposed from the top down by social elites? However we view it, custom figures in domestic and international law of both private and public character.

Part two examines custom in five areas of domestic law, beginning with family law. The author looks at family law with the goal of showing customary law as part of the "living law" thereby illustrating how common law jurisprudence and institutions co-exist with customary regimes. Property rights illustrate the tension between public rights (i.e. community interests) and private property. Contracts often reflect commercial custom which serves as a check between expectations and realities. Since torts usually bear no shared community relationship, the law of torts is an area where one might think that community values do not count. Yet, ironically, community standards establish duties of care. Proof of negligence may be found in custom, but it may also be found in proof of conformity within custom, provided it is shown to be reasonable. In constitutional law, custom is associated with the common law of government prerogatives and a practical approach to resolving separation of power disputes. The competition of custom with text depends on the clarity of the text. Where the text is clear, custom is unlikely to be accepted. Where it is unclear, custom is more important.

Part three is about custom in private and public international law. As in domestic law, the existence of custom as autonomous or dependent on precedent and statute depends on one's views. In public international law, custom and treaty are regarded as equal sources of obligation, which results in a relationship as complex as the relationship between custom and statutes in domestic law. Since jus cogens (a customary rule enshrining a fundamental principle) is not immutable, there is a further conflict between custom (consuetudo) and disregard of custom (desuetudo). The author regards custom as a positivist construct, central to today's doctrinal debates. He regards it as a progressive source of international law, limited only by its capacity to change with the times. It serves as a counterbalance to "top-down" legal sources and it will always be with us.

This publication arose from a course co-taught at Emory Law School with the late Harold J. Berman, a course designed to challenge law students' assumption that law is made exclusively from the top down by spotlighting the bottom up character of customary law. Richly foot-noted and with a well-constructed index, this is a meaty but also very readable book for interested amateurs as well as the legal community. It is a must for academic law libraries.

Louise Robertson, Coordinator
Special Collections, Database Maintenance and Borrowing Policies
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Many law students find the Law of Evidence somewhat overwhelming. One reason could be that, at most law schools, it remains one of the few courses ending in a closed
book exam. In other words, students are asked to memorize the contents of the course (no mean feat in a subject like Law) before going into the exam—a practice most Law professors feel is no longer necessary or even sensible in other areas of legal study (the exception here has to do with advocacy—the rules of Evidence, along with Civil Procedure (another area of law known for closed book exams) must be largely committed to memory in order to effectively represent clients).

In addition to the tribulations of having to memorize this vast body of knowledge, students also find its complexity bewildering. The Law of Evidence may well seem overly restrictive at times (“What do you mean I can’t tell the judge what my neighbour told me he saw”) and quite arbitrary at others (“This is relevant; that is not”). Add to such apparent violations of common sense a host of ancient or arcane rules, along with the confusion surrounding rules in amorphous or still emerging areas of Law, and you have some idea of the difficulties facing students as well as lawyers in understanding rules of evidence.

One of the aforementioned emerging legal areas has to do with electronically stored information (ESI). Luckily, a new loose-leaf on the market, Electronic Evidence in Canada, provides much needed guidance to new and seasoned legal professionals who might be struggling with this matter. Authors Graham Underwood and Jonathan Penner begin by explaining that ESI takes a multitude of forms: it can exist as electronic records created by computers, as audio and visual recordings on magnetic tape; as messages left on answering machines, as information programmed into the memory of appliances such as microwaves and television sets, as well as in the form of digital photographs or magnetic strips on credit cards. Even our brave new technological world remains subject to the usual rules of evidence, although given the unique character of ESI, courts have had to adapt by developing the common law to fit it.

One major problem is that in Canada, at least, the adaptation simply hasn’t happened fast enough. Canadian judges to date have said little about how rules of admissibility apply to ESI, and this is particularly true at the appellate level. Where opinions have been expressed, they are generally obiter dicta. American courts, in contrast, have done much more work in this area, so, ironically, many of the authorities referred to in Electronic Evidence in Canada are American. Of course, the authors take care to assure us that the principles in question closely parallel much of what is going on Canada.

Following closely on the heels of this discussion is a brief primer on the nature of ESI, including the difference between digital and analog information, and what it means to be permanently stored, semi-permanently stored or transient. Then comes a consideration of the pre-litigation management of ESI including the obligation to preserve information. Once litigation has been initiated, counsel may have an obligation to disclose the existence of ESI as part of the pre-trial process, and the authors discuss the material that must be disclosed.

The production of ESI is another matter of concern. Accordingly, two sets of protocols are discussed—the Sedona Principles and the Ontario Guidelines—both of which have been recommended by the Canadian Bar Association when dealing with disclosure, discovery and production. Advice to the client is considered at this point, along with what is privileged, as well as the matter of costs.

Spoliation, preservation and pre-trial authentication of ESI are next on the agenda, leading to an in-depth consideration of the use and presentation of ESI at trial. Issues of general admissibility of ESI are also examined over several chapters including its admissibility as real evidence, as documentary evidence and as demonstrative evidence.

While much of the book is devoted to civil litigation, it also provides ample material for the legal professional dealing with ESI in Criminal Proceedings. Clearly, this new publication is a must for law firm, court house and academic libraries. And if legal education remains much the same in the future, law students in coming years can look forward to having to commit some of the ideas in this valuable book to memory too.

Nancy McCormack
Librarian and Associate Professor of Law
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Basic knowledge of employment law is something every lawyer, regardless of specialty, should have, since employment law governs everyone’s working relationships. While there is no shortage of excellent employment law books on the market, few are written for the legal professional and the community at large. MacKillop, Nieuwland and Ferris-Miles, all employment lawyers with experience in representing employers, have produced a practical and easy to read handbook that examines the fundamentals of employment law.

Part One covers the beginning of the employment relationship and outlines relevant areas that employers should consider prior to making an offer of employment. Part Two deals with the components of the employment relationship. Issues regarding performance reviews, workplace harassment, investigations, and communications between managers and employees are summarized with handy checklists. Video surveillance and the conflict between security and personal privacy are weighed with helpful suggestions to avoid legal pitfalls.

Part Three discusses the end of the employment relationship. Important matters regarding just cause, constructive dismissal and human rights considerations are reviewed with pertinent caselaw and valuable recommendations.

Part Four concludes the book and provides practical tips on bullet-proofing your job, what to do when you get fired, workplace disability and violence and harassment. Timely topics such as H1N1 and stabilizing the workplace during
This publication appears to be an update of a book that MacKillop wrote with Randall Scott Echlin called Creative solutions: Perspectives on Canadian Employment Law, 2d ed. (Canada Law Book, 2001). It is organized in a very similar fashion with almost identical topics. However, Employment Law Solutions does contain current content and recent caselaw, and addresses changes that have occurred in employment law in the last ten years.

This book is written for lawyers, employers and employees. The case commentaries elevate it beyond a layman's guide, yet the writing style, format and useful suggestions, written for both employers and employees, make it a practical addition for human resources professionals and anyone needing assistance with an employment law issue.

Wendy Deighton
Librarian
Harris & Company LLP


The second edition of Film and the Law continues the authors' investigation of the relationship of film and the law and explores the conflict between law and justice as it is represented in film. In this edition, the authors update their critical review of work produced to date and provide an extensive bibliography. Further, they provide an expanded challenge to traditional legal scholarship, resulting in a treatise which demonstrates the practical and the pedagogic, and the significance of popular representations of law in film.

The way law and lawyers are portrayed in film generally is surveyed throughout this book. Are they heroes, villains or something else? Military justice on the screen is examined as the negligible number of films in which the judge or jury is the central focus (the authors call them "missing in action"). The book also highlights fact, fiction and the cinema of justice, looking at true stories (e.g., Erin Brockovich's) as the basis for films as well as at documentary films.

Private eyes, the role of gender and women in law films and the interpretation of ethnicity are covered in separate chapters. There is also a chapter on the British Law Film, acknowledging that little attention has been devoted to material produced "locally," whether within Europe or beyond. The authors admit that much of their own work has focused largely upon American cinema and its output. This chapter examines the importance of the iconography of the British law film against the backdrop of the British film industry generally.

The final chapter, "Future Trajectories and Possibilities," adds more insight into the study of law and films in Europe with a focus on France, Germany and Spain. The nature and scope of film scholarship in these countries is presented along with references to film's influence on legal curricula and professional training in the judiciary. The authors explore (with some caution) the emergence of a recognised area of scholarship in law and film, and present their ideas on the nature of this academic development.

This book is a valuable teaching and learning resource. It is the first in the field to serve as a basic guidebook for students of law and film. The book contains a number of interesting points relevant to the study of film and law. Conclusions at the end of most chapters not only summarize the ideas presented, but offer concrete suggestions for future study. A prime example is found in the chapter on the British law film: "This opens up opportunities to consider the relationship between audience and legal film, something that looks at the effects of such media and that has already been attempted on a small scale and which warrants further analysis."

A scholarly treatise that requires careful consideration, Film and the Law will be of interest to those instructors who wish to transcend the boundaries of orthodox legal scholarship and introduce elements of popular culture into their curriculum. Law librarians, students, professors and film buffs in general who are interested in the popular representation of the law and the legal field will welcome this in-depth examination.

As a final note, those interested in lists of law-related movies should check out Ted Tjaden's website on Legal Research at <http://www.legalresearchandwriting.ca/movies/movies.htm>.

Margo Jeske
Director, Brian Dickson Law Library
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This book provides an academic overview of current law and historic cases, and offers some recommendations regarding the prevention of miscarriages of justice and wrongful convictions.

The first section of the book "The Rhetoric: Guiding Principles" starts with a chapter on the role of prosecutors and expert witnesses. It reminds us that the role of the prosecutor is not to obtain a conviction, but to set forth the evidence of an alleged crime, and that the role of the expert is to present an opinion.

There are chapters outlining the current law on miscarriages of justice and wrongful convictions in three Commonwealth countries: Britain, Canada and Australia. This part of the book closes with a chapter on fraud in criminal proceedings which addresses the question of what remedies are available where there is no right of appeal but when fraud has been committed. It suggests that a conviction obtained by...
fraud is a nullity and as such falls outside the normal scope of appeals.

The next section deals with "the Reality," i.e., how the law is applied. It opens with a chapter on investigations and prosecutions and suggests that lack of objectivity or "tunnel vision" is a contributing factor to miscarriages of justice. It reviews, using examples from case law: how these miscarriages have occurred in each of the three jurisdictions, how the errors or fraudulent evidence came to light, and how public perception and culture can contribute to the problem. The next chapter addresses forensic pathology, and again uses cases to demonstrate how forensic evidence can be misused, either by errors in science, lack of objectivity, or failure to investigate adequately.

The final section addresses what responses currently exist in each of the three jurisdictions to miscarriages of justice. Britain has the Criminal Case Review Commission, which does not have a counterpart in either Australia or Canada. The authors comment positively on the CCRC, and provide an overview of the Commission's procedure and practices, including how their decisions are reviewed. This section points out, correctly, that error correction should not be a replacement for systemic reform and preventing miscarriages of justice. Public inquiries, the Canadian response to wrongful convictions, can make recommendations which are not binding on governments, but can be implemented by the judiciary.

Recommendations are then made regarding improving the reliability of forensic science. The authors of the book make overall recommendations intended to prevent or limit miscarriages of justice, including: auditing cases where the primary evidence is that of scientific experts, establishing review bodies, giving judges more control regarding expert evidence including the ability to appoint commissioners to investigate their evidence and imposing standards of demonstrable reliability on forensic evidence. The recommendations emphasize that the judicial system participants and scientific experts must work together to prevent future miscarriages of justice.

The text includes a detailed table of contents, footnotes, table of cases with citations, a full index and a very thorough introductory chapter which essentially outlines the book's contents.

Of particular interest are the cases referred to by the authors which remind the reader that miscarriages of justice and wrongful convictions are not simply academic exercises but affect real people—the accused and the victims and their families—while still addressing the overarching issues academically.

This book fills a void in the available literature on miscarriages of justice and is recommended for academic and law society libraries, along with offices with a focus on criminal law and social justice issues. It is readable and fascinating, and would be of interest to anyone who is working in wrongful convictions, appeals or criminal law.

Lori O'Connor
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A new volume in the popular Essentials of Canadian Law series, International and Transnational Criminal Law surveys two types of criminal law with foreign dimensions. As its author, Robert J. Currie, explains it, international criminal law is "concerned with the suppression of crime and...has some international law content" while transnational crime deals with "crime and criminals that crossed borders." Judging from the size of the book, each area could have warranted its own volume, but Currie sees an advantage in presenting the fields in relation to each other. In fact, he shows how international criminal law and transnational criminal law are having a greater impact on each other than ever before.

Not only does the book address the interrelationship between international criminal law and transnational criminal law, but it also highlights the relationship between international criminal law and domestic law. As international crimes can be prosecuted at the domestic level, criminal lawyers need to understand international law, and international lawyers need to understand domestic criminal law. These areas of law are explained from a Canadian perspective. So, for instance, Currie identifies individual crimes, addresses questions of jurisdiction, and also considers any particular Canadian context, especially the impact of the Charter of Rights and Freedoms.

With all these overlapping areas and relationships, not to mention complex legal doctrines, it is no wonder it takes over 600 pages to give an overview of international and transnational criminal law. For law students studying these areas and lawyers and researchers needing an introduction, this addition to the Essentials of Canadian Law series will be a welcome one.

The book provides a concise history of major events and changes. It gives clear explanations of concepts, such as how a state becomes bound by a treaty. In footnotes and in the "Further Reading" section at the end of each chapter, it cites influential commentators and academics in the field.

Within its chapters, a typical approach is to provide an overview of a particular subject and introduce various legal approaches that have been taken to understanding and analyzing the subject. It then defines which approach the book will use. This sort of format allows the reader to understand a topic but also consider other ways the topic could be explored.

The index, with good cross-referencing, also allows for quick reference to a particular issue, treaty, or tribunal.

As with other introductory books, the strength of this book comes not only from its content but also its organization. It presents international and transnational law comprehensively and in an accessible manner. Because of its many clear divisions into chapters and parts highlighting key concepts and breaking those concepts down further into
their constituent elements, it is also an excellent reference for readers who simply want to understand one particular aspect of international or transnational criminal law.

Amy Kaufman  
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Judging by the number of books on the death penalty recently published, one can argue that, even though this form of punishment has been abolished in almost every industrialized nation except for the United States, the discussion about the issue is very much alive, especially in the United States where the dispute is still active, vociferous and emotional. Into this controversy enter Austin Sarat, Senior Faculty Scholar at Alabama Law School, and Jürgen Martschukat, Professor of History at Erfurt University, with Is the Death Penalty Dying?: European and American Perspectives, a compilation of essays in comparative sociology and the history of the present.

This collection of eleven essays, written by a group of historians, political scientists and legal scholars from Germany, England, France, Holland and the U.S., is divided into three parts: the first part defines the death penalty in the context of European and American penal systems; the second analyzes the meaning of death in various cultures; and the third compares the evolution of the abolitionist movement on both sides of the Atlantic.

In Part I, Peter Spiereburg argues that, historically, American and European experiences with the death penalty were similar and have only recently diverged. He maintains that the death penalty is only comprehensible when examined as a part of a whole legal system. Next, Colin Dayan shows that a life sentence without possibility of parole, and specifically a sentence of solitary confinement, should be treated as a variety of capital punishment. Dayan asserts that the use of solitary confinement in American prisons constitutes the creation of a kind of second death penalty, one which can be instituted without controversy. Finally, Jonathan Simon compares the crime statistics of the fastest growing western European residential markets with those of the U.S. states that have the harshest penal systems and then correlates them with regional rates of homeownership, showing that there is a link between home ownership and a degree of “crime fear” that exists independently of nationality.

Part II begins with Evi Girling’s examination of the practice of justice at a time when modern information technologies allow the formation of communities of witnesses (term coined by Girling to describe groups of people without any regional geographic bound who follow high profile trials online and who attempt to influence their outcomes by expressing their opinions on the Internet). Kathryn Heard describes how such an international group of witnesses responded to the execution of Saddam Hussein, specifically focusing on the difference between American and European reaction. Finally, Simon Grivet writes about similarities between French and American views on capital punishment. Grivet argues that despite the French public criticizing the controversial execution of Julius and Ethel Rosenberg in 1953, American and French courts have sentenced people to death with similar frequency up until 1977, when France held its last execution.

Part III focuses on the characteristics of abolitionist movement in Europe and in the U.S. There are two interesting articles in this part that tackle abolition as a shared European identity and human rights issue. Andrew Hammel draws on Norbert Elias’s theory of civilizing process in his comparison of abolitionist movements on both continents and raises the question whether the elitist element of the movement so imbedded in the European discourse advanced the abolition of the death penalty in Europe, while Agata Fijalkowski unveils the apparent differences in the levels of opposition to the death penalty between different European nations despite the well established notion of abolition as a human rights issue being a distinct and unifying feature of “Europeanness.”

Is the Death Penalty Dying? would definitely be an important addition to any academic library because of its unique interdisciplinary and comparative approach. The historical, economic and political conditions that shaped death penalty practice and its abolition movement on both continents are examined here within the theoretical framework of process sociology (a research tradition recognizing the influence of group consciousness on individual actions) which is becoming increasingly popular in North America and which will appeal to academics. Further, the editors of the book comment in the preface that this work will help general readers see how close the United States is to ending capital punishment and what some of the cultural and institutional barriers are that stand in the way of abolition. The readers are likely to agree with this statement as the book indeed offers a broad and comparative look at the historical and political conditions that led to the abolition of capital punishment in Europe and compares them with the current political environment in the U.S. As such, this publication will be a real asset to those seeking to understand the European influence on the American abolition movement.

Anna Szot Sacawa  
Circulation Coordinator  
Bora Laskin Law Library  
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The authors were well positioned to write this text. The Hon. Justice John W. Morden was a member of the Rules Committee from 1974 to 1999, and chaired the special sub-committee that prepared the revised rules of court in the early eighties. Justice Morden was a high court justice from 1973 until he was appointed to the Ontario Court of Appeal in 1978 where he served until 2004. He has also taught advanced civil procedure at the University of Toronto between 1999 and 2004. The Hon. Justice Paul M. Perell is a judge in the Ontario Superior Court of Justice. He, too, has served on civil rules committees, between 1985 and 2006.

There are twelve chapters in the book, which are arranged in logical order. Unlike Williston and Rolls, the volume includes chapters regarding trials, and appeals.


The text includes a table of cases and an index. Both refer the reader to the page of the case or subject matter. Notes are included at the foot of the page. Case citations are included in the footnotes. Where there is reference to a statute, its citation is included. The book contains an extensive bibliography, which includes references to many books, journal articles, and research papers pertaining to aspects of civil procedure including some of the authors’ own substantial writing. It is intended for use alongside a copy of an annotated Rules of Civil Procedure as it does not republish the rules.

The book is well written, scholarly, and easy to follow. It emphasizes the interdependent roles of substantive and procedural law, and the importance of civil procedure (“a legal right is worthless if it cannot be enforced”). It will prove useful to the litigator for its clear “synthesis of relevant authority and analysis of lines of reasoning to be used in submissions to the court,” and will serve as an essential textbook for teachers and students of civil procedure. The hard-cover-bound size makes it a comfortable desktop quick reference book, while the soft-cover allows for portability to court or school.


This work attempts to re-evaluate the character and legacy of Richard Burdon, Viscount Haldane of Cloan, an English lord of Scottish descent who, as Lord High Chancellor from 1911-15 devoted special attention to Canadian constitutional matters, and consequently had a formative effect on Canadian political life since confederation.

According to the author, Viscount Haldane has enjoyed a reputation in Canadian legal circles as a ‘wicked stepfather’ due to his unreasonable support for provincial powers over federal, particularly when it came to the extent to which the federal power may override the provincial in the interests of “peace, order and good government” (s. 91). This support of the provincial powers is in direct contradiction of the clear intentions of the framers, and has created a culture, the author contends, of judicial activism and elitism in the current Supreme Court.

The author asserts that the true explanation of Haldane’s position does not appear in the decisions he wrote, but must be sought in his attitudes and, particularly, in his devotion to Hegelian philosophy. Thus the work is an ‘intellectual history’ of a man who has already had several histories written of his life. None of the prior histories, however, take account of the dominant idealism that informed the intellectual life of this highly educated person, scholarly by temperament, who was deeply committed to his work in the law.

The reader is provided with details on Haldane’s family background, personal relationships, education and mentoring, and the stages of his professional and public life in order to come to an understanding of how his philosophical commitments could lead him to his judicial reasoning.

From this exploration, we understand at least something of the chilly reception Hegel received in 19th century Great Britain, and are introduced to a few of the important social trends of the day, education reform being a leading concern of Haldane, as was Scottish home rule. We are also invited to
correspondence and professional writings, did Haldane not discuss these developments? In his family library are there no works by Hume, Bentham, or Bertrand Russell? If so, the scales tip a little favour of the view of him as a doctrinaire Hegelian, obtuse and elitist. But it is difficult to reconcile such a view with the evidence of his enormous and effective practical efforts on behalf of education, military administration, and justice. This work does not answer the riddle of Haldane's character, but it certainly makes the question clear.

Finally, it cannot go unsaid that this work needed a close read from an editor, as there are problems with continuity and repetition, which are unfortunate, and distracting from its many strengths.

Michael Lines
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Women, Law, and Equality: A Discussion Guide represents a unique undertaking in the study of women and the law. It began as an idea that resulted from an initiative from LEAF (the Women's Legal Education and Action Fund). As this organization often intervenes in women's equality cases, it must try to make its work accessible and interesting to people who have expertise in women's equality issues as well as to people who possess little knowledge in this field. In order to make conversations between both groups easier, the editors, Kim Brooks and Carissima Mathen, organized a series of discussions at LEAF's 2008 Annual General Meeting. Members were divided into groups, each of which read an article before the meeting and came prepared to discuss it. Since this event was so successful among the two groups of members, the editors decided to make this type of discussion available to a broader audience.

The editors and contributors are well known Canadian scholars. Kim Brooks is Dean of the Schulich School of Law in Dalhousie University. Carissima Mathen is an Associate Professor of the Faculty of Law at the University of New Brunswick. Suzanne Bouclin is an Assistant Professor of the Faculty of Law at the University of Ottawa, and Doris E. Buss is an Associate Professor of the Faculty of Law at Carleton University.

The contents of this book are as follows: Acknowledgments, Let's Talk Women, Law and Equality, and a Glossary followed by six chapters. The chapters are entitled: Polygamy; Caring for Young Children; Feminism, Law, Cinema; Women and Power (or, Powerful Women); Women and Migration, and Final Thoughts.

Each chapter has an introduction that presents the topic,
followed by three or four articles that have been selected and edited to facilitate discussion of the issue by participants who come from different backgrounds and experiences. The materials included have a legal focus, but they also cover a broad range and run the gamut from scholarly articles to newspaper clippings. A list of ten questions follows each series of articles. At the end of each chapter is a list of printed and visual resources that provide additional information for those interested in learning more about the topic. There is also a glossary of legal terms that appears in the materials.

The topics for the six chapters were chosen for two reasons: the editors found them to be interesting and relevant, and these topics all deal with equality, feminism and social justice. Three chapters focus on broad issues of public policy that affect women. The first chapter on polygamy represents an area that produces strong emotions and responses from everyone, and is an area where the law is currently being challenged.

The chapter on caring for young children, a sphere that represents work done mainly by women, is another area in which policy reforms are needed. Who should provide care for young children and how it should be provided is often debated, but policy reforms have been slow in coming.

The chapter on women and migration examines issues and challenges faced by women who move from one country to another. The reasons for relocation can vary—women may move in order to find work, they may be fleeing persecution, following a relative or may even have been sold into slavery. The last areas in particular are areas in which it is especially difficult for governments to create good public policy.

The chapter on feminism, law, cinema analyzes the way women are portrayed in film and cinema. Film reflects how society views women and their roles and achievements, and also shapes our understanding of law and legal matters. The question that needs to be asked is how accurate is this representation of women?

The final chapter on women and power discusses the challenges continuously faced by women who have succeeded in attaining positions of wealth, power and influence.

This text represents a unique approach to legal issues affecting women. Texts on women and law or women and equality are plentiful, but none have taken the approach of Kim Brooks and Carissima Mathen. The range of topics covered makes this book ideal for introductory level or survey courses in law, gender studies or political science as well as useful for a series of book club-style discussions. This title is recommended for purchase for academic libraries and university collections as well as for larger public libraries.

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