



III Reviews / Recensions

Edited by Kim Clarke and Nancy McCormack

***Blocking Public Participation: The Rise of Strategic Litigation to Silence Political Expression.* By Byron Sheldrick. Waterloo: Wilfrid Laurier University Press, 2014. Includes bibliography and index. ISBN: 978-1-55458-929-6 (Paperback) \$29.99 (CDN)**

Blocking Public Participation deals with the practice of using strategic litigation (i.e., *strategic lawsuits against public participation* or “SLAPPs”) to silence political expression. Its particular focus is on Canadian political and environmental disputes and the attempt by certain parties to silence protestors, thereby blocking political engagement, participation, political expression and dissent. The author draws from a number of examples in Canadian politics and big business to show the efforts of various individuals and corporations to silence the voicing of public concerns or dissent.

Chapter One entitled “SLAPPs: Courts, Democracy, and Participation” provides an introduction to SLAPPs, and outlines its implications for political and democratic participation. In the Canadian context, the relationship between law and politics along with the role of courts is discussed, highlighting the way in which activists and elite groups conduct themselves and the way in which the law and courts help or hinder public activism and political expression. The author outlines strategies used to silence political expression and activism, with lawsuits being a primary weapon intended to achieve private ends rather than securing the collective public interest.

Chapter Two “SLAPPs: Balancing Law and Democracy” examines elements which are inherent in SLAPP claims, such as free speech and other related issues. Sheldrick describes how public issues are transformed into civil litigation, the types of organizations and individuals involved in this form of litigation, and how SLAPPs lawsuits present a real threat to the democratic values inherent in public participation.

In Chapter Three, “SLAPPs in Canada”, the author surveys the historical development of SLAPPs in Canada, focusing on prominent case studies, and the impact of SLAPP judicial decisions. The selected case studies illustrate the impact this litigation has on public participation and political activism, the role of Canadian courts in the interpretation of jurisprudence, and constitutional considerations regarding political expression and association.

Chapter Four, “SLAPPs come to Parliament”, explores the use of the existing systems of accountability on the one hand and the role of parliamentary privilege on the other to protect political criticism and dialogue as well as illustrating the implications for democratic institutions. In this context, politicians in power have threatened or actually initiated litigation against political opponents to silence them. The author discusses several prominent Canadian political lawsuits, including the *Cadman Affair*, *Harper v the Liberal Party of Canada*, and *Jean Charest v Marc Bellemare*, which illustrate the ability of politicians to make allegations against others in power. These cases highlight the importance of free public dialogue and the need for instituting legislative initiatives to block SLAPP ventures.

Chapter Five, entitled “The Regulation of SLAPPs” analyses and assesses regulatory and legislative initiatives of different jurisdictions to regulate SLAPPs, including the United States and Australia as well as Ontario, Quebec and British Columbia. The author examines in detail the resistance and political mobilization to regulate SLAPPs. Also discussed are legal remedies including existing civil procedure mechanisms and substantive remedies, along with current legislative developments in certain Canadian jurisdictions.

Chapter Six, entitled “Resisting and Defending against SLAPPs” focuses on social and other mobilizing movements to block SLAPPs, including the role of non-governmental organizations. The author outlines a strategy as to how social groups and activists can avoid legal difficulties but still empower themselves to maintain strong political pressure. In conclusion, the author advocates that anti-SLAPP legislation is required in all Canadian jurisdictions to safeguard democratic values and institutions as well as to protect the collective public interest in addition to individual and collective rights.

This book is a valuable study on the unique subject of SLAPPs, and should prove to be of immense interest to political scholars, academics, and political and social organizations striving for achievement of political social and legal reforms in Canada. The “Legal Resources” appendix provides a list of public law interest centres and other anti-SLAPP resources from Canada and various jurisdictions. The “Works Cited” section provides an extensive list of print and online resources, including journal articles that will provide guidance for further study and research into the use of strategic litigation to silence political expression.

**REVIEWED BY
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Canada the Good: A Short History of Vice Since 1500.
By Marcel Martel. Waterloo: Wilfrid Laurier University Press, 2014. 210 p. ISBN13: 978-1-55458-947-0 (Paper) 29.99, ISBN13: 978-1-55458-949-4 (ePub) 29.99.

York University history professor Marcel Martel has written a fascinating book chronicling Canada's treatment of what used to be referred to as “vice” – drinking, gambling, smoking, drugs, and sex. At just approximately 200 pages, *Canada the Good: A Short History of Vice Since 1500* is a quick – but certainly not light – tour through this aspect of Canadian history.

The book's four chapters are divided by period in time and then subdivided by vice. The term vice itself can be seen as problematic given its negative connotation, and Martel sets the tone in his introduction by delving into the meaning of this term and its subsequent decline in use.

Chapter 1 chronicles the experiences of Canada's first

European settlers and their observations – made through the lens of their Christian backgrounds – of Aboriginal society. Chapter 2 continues the narrative of how Christian European settlers began to attempt to regulate moral behaviour in Canada, primarily through church order. Chapter 3 shows how certain groups emerged in society to work against these behaviours and helped spur the creation of laws prohibiting drinking, drug use, and gambling. They also defined and regulated sexuality and placed limits on tobacco products.

Chapter 4 chronicles the last 100 years of change, in particular society's classification of these behaviours as medical conditions requiring treatment, and not merely moral transgressions. Concurrently, individuals and groups fought for the acceptance of what was deemed abnormal behaviour and the regulation of homosexuality, abortion and sex work, for example, softened.

The law and history of sexuality, drug use, drinking, smoking and gambling could fill several legal texts. This book is certainly not comprehensive nor does it provide substantive legislative content. It's a quick study of a certain aspect of Canadian history and would be enjoyed by those who have an interest in this topic, including criminal lawyers and those working for the public interest. Academic libraries certainly would benefit from having this book in their collection while private law firm libraries likely will not. Having seen this book at my local public library, I can see how the general public – including students – are a target audience.

One cannot discuss issues like prostitution, gambling, drugs or abortion without mentioning how the treatment of those who engaged in these behaviours differed for men and women, for those from different socio-economic classes, for those born outside Canada or for those of different ethnicities. Sure, these are generally accepted facts but reading example after example really drove this point home. Each page is packed with numerous facts and the handy index at the end is a great addition. My one minor quibble with the book's format is the inclusion of notes at the end of the book, rather than in footnotes, which some readers may find inconvenient.

This is a dynamic and ever changing area of Canadian law and although the book was published in 2014, there have already been substantive changes since then. Prostitution laws have recently changed, the Morgentaler clinic in New Brunswick closed in July 2014, the debate of legalization of marijuana continues, and even the recent end to Toronto's waterfront casino proposal have all been hot topics in recent months. Clearly, Martel's *Canada The Good: A Short History of Vice Since 1500* is timely and relevant.

**REVIEWED BY
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Canadian Policing in the 21st Century: A Frontline Officer

on Challenges and Changes. By Robert Christmas. Montreal & Kingston: McGill-Queen's University Press, 2013. xiv, 309 p. Includes bibliography and index. ISBN 978-0-7735-4274-7 (cloth) \$39.95. ISBN 978-0-7735-44406 (paper) \$29.95. ISBN 978-0-7735-8935-3 (ePDF). ISBN 978-0-7735-8936-0 (ePUB).

In this book, Robert Christmas, a Winnipeg-based police officer and Ph.D. student in Peace and Conflict Studies at the University of Manitoba, combines his own first-hand knowledge of policing with high-level research to produce an overview of how policing in Canada has evolved over the past twenty years – a period of great technological, legal and societal change.

This introductory text highlights the challenges and changes facing policing in Canada. The first chapter provides an overview of the history of policing, and the remaining ten chapters each focus on key aspects of policing today, including the use of technology (chapter 4), the changing composition, training, and demands on police (chapters 5 and 6), issues of race and gender (chapters 7 and 8), and the organizational structure of policing to ensure effectiveness, responsiveness, and accountability (chapters 9 and 10). While these chapters are well-structured and can stand alone as treatments of their particular issues, Christmas also acknowledges how they are all part of a whole and never considers these issues in isolation.

Christmas' book is an important one for lawyers, particularly criminal lawyers and law students interested in the field. Despite the fact that both lawyers and police are integral to our criminal justice system, and must often work with each other – if not together – they are sometimes isolated within their own communities. This book offers criminal lawyers a greater understanding of criminal justice from a police perspective. For law students, it also provides context for a number of well-known and less well-known decisions, i.e., what happened before a case was tried as well as what went on during trial.

Christmas uses various lenses to explore the justice system, such as justice economics, which may be less familiar to those whose background is in law rather than sociology or criminology. Through the lens of justice economics, one might ask how we should measure the costs and benefits of one policing approach versus another. Indeed, how can we measure the benefits of crime prevention? Christmas also engages in a thoughtful analysis of the negative effects of longer mandatory minimum sentences, such as the argument that it leads to more police officers being killed.

He brings together a wealth of research – statistics, reports, academic articles and books – and synthesizes them using an engaging and succinct writing style. His discussion of the pitfalls in interpreting and comparing crime statistics would be helpful for many legal academics who use these types of statistics in their interdisciplinary work.

Christmas illustrates how the implementation of criminal

legislation can be just as important as the content of the legislation itself. For instance, under the *Youth Criminal Justice Act*, an accused youth is entitled to go before a local judge every few weeks to argue whether continued pre-trial custody is required. However, in Manitoba, the only holding centre for youth is in Winnipeg, so to fulfill this requirement, these individuals must travel all around the province for what he describes as a two-minute remand appearance. Christmas knows what he's talking about: he explains that he did a lot of studying during his first degree while he was escorting people on these costly and lengthy trips.

The breadth of his experience shines through his analysis. He discusses various policing roles, and sheds greater light on statistics, theories, and studies. For example, he explains that, statistically, crime rates have fallen in recent years (something many of us know), but he reports that the rates of particular crimes have been rising, such as gang violence and shootings.

Christmas' use of his own experiences to illustrate his argument is one of the book's strengths. It adds interest and context to what could otherwise be an academic discussion. While the reader may not always agree with his view on each issue, the author is careful to present each side and to explain how and why he has reached his conclusions.

Were we to concentrate solely on decisions from the courts, we might believe that policing is simply reactive, that its only role is enforcement of the laws, with court cases forcing occasional changes (such as the recent Supreme Court decision on the "Mr. Big" technique). However, this book challenges that narrow view of policing by presenting a different picture. Yes, policing has its faults and challenges, but it is also proactive, thoughtful, creative, and analytical – grounded in evidence-based research as well the years of experience of its front-line officers. As such, Christmas succeeds in offering his readers a broader, deeper and more nuanced view of police work in Canada.

**REVIEWED BY
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Death or Deliverance: Canadian Courts Martial in the Great War. By Teresa Iacobelli. Vancouver: UBC Press, 2013. x, 175 p. Studies in Canadian Military History. Includes index and bibliographic references. ISBN 978-0-7748-2568-9 (pbk.) \$32.95.

Death or Deliverance: Canadian Courts Martial in the Great War is part of the Studies in Canadian Military History series published by UBC Press in association with the Canadian War Museum. The author, Teresa Iacobelli, received a doctorate from the University of Western Ontario in 2010, and is a Social Sciences and Humanities Research Council post-doctoral fellow. The author's goal in writing *Death or*