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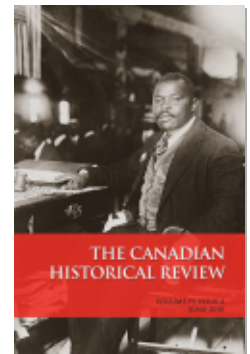
The Grand Experiment: Law & Legal Culture in British Settler Societies (review)

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la fluidité des relations interethniques et interraciales, caractéristique selon l'auteur de la frontière franco-espagnole. Une comparaison avec l'esclavagisme d'autres sociétés, notamment avec l'esclavage urbain de La Nouvelle-Orléans, et la vie dans des villages rapprochant le système esclavagiste du Pays des Illinois de ce type d'esclavage, aurait peut-être permis à l'auteur d'éviter cet exceptionnalisme qui obscurcit plus qu'il n'illumine les relations interethniques et interraciales en Haute-Louisiane.

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The Grand Experiment: Law & Legal Culture in British Settler Societies. Edited by HAMAR FOSTER, BENJAMIN L. BERGER, and A.R. BUCK. Vancouver: UBC Press for the Osgoode Society, 2008. Pp. xii, 400, \$85.00 cloth, \$34.95 paper

Canada, Australia, New Zealand, and the United States are linked by a history of British colonialism and settlement. During that colonization each received English common law and the rest of the English legal system. Well, not quite. Rather, the imperial government, the colonial governments and their national successors, and the populations of the colonies (Indigenous, English, and settlers from many other parts of the world) adopted elements of English law to local situations. Legal historians of each of these ex-colonies and the rest of the British Empire have long been interested in reception in their own countries. More recently, work by James Belich, Doug Hay and Paul Craven, Peter Karsten, and John Weaver has been explicitly comparative across several colonies. Canadian law professor and historian John McLaren, in conjunction with Wes Pue, Andrew Buck, Nancy Wright, and others also took the lead in this new comparative British colonial legal history through courses taught simultaneously in Australia and Canada, and in conferences and edited collections that brought together many of the historians who worked on questions in one or more of the ex-colonies. A number of sessions were held in McLaren's honour at the Canadian Law and Society Association annual meeting in 2005, and papers from that meeting have been brought together in this collection.

The Grand Experiment presents thirteen essays on the legal history of one or more of the four ex-colonies listed above. Five of the essays are exclusively about Canada, and another three offer comparisons between Canada and one or more of the other colonies. The remaining five are about New Zealand or Australia, or compare two or more

jurisdictions. Most of the pieces focus exclusively or to some degree on the nineteenth century, although there are two essays on twentieth century British Columbia. There are essays on Indigenous people, sailors, courts, judges, and legal doctrines from dower to libel and more. The editors of the collection start their introduction with a discussion of the rule of law and then move on to the importance of placing the law within a broad historical context. These are old historiographical issues in legal history, but the best pieces in this collection make new contributions to our knowledge of one, the other, or both in light of local and comparative circumstances.

There is much to recommend in this volume. Lyndsay M. Campbell compares defences against libel suits in Massachusetts and Nova Scotia to highlight how local circumstances may explain the adoption or rejection of English precedents. David V. Williams reviews two New Zealand judges and their work in the late nineteenth and early twentieth centuries in an effort to reinterpret the construction of historic heroes and villains in the history of Maori–Pakeha relations. Greg Marquis looks at attempts to introduce prohibition to New Brunswick in the 1850s and finds an interesting story about responsible government and the Crown's prerogative. Janna Promislow moves backward from a court case in 1995, to the making of Treaty 6 in the 1870s, to the arrival of the Hudson's Bay Company in the late 1600s to explore European-Canadian attitudes toward and (mis)interpretations of leadership, authority, and governance within Cree communities. These and all of the other essays raise substantial questions about colonial and legal history.

The essays in the collection are uniformly short; many are less than twenty pages long. Thus, significant problems often result in positively provocative essays rather than definitive pieces. One example is Bruce Kercher's 'The Limits of Despotic Government at Sea.' Kercher draws on disputes from New South Wales, Van Dieman's Land, the United States, and England to describe the ways some ships' masters exercised control and discipline at sea and the extent to which courts subsequently interfered through lawsuits launched by passengers and crew. By reviewing ninety superior court decisions, Kercher is able to develop something of a pan-common law world view of the masters' powers in the nineteenth century. He distinguishes between power over passengers and crew, and the appropriateness of different levels of (violent) discipline for different sorts of provocations. The ship-board experience and the legislation that regulated it are contextualized within the broader literature on master and servant law in England and the empire. And yet there are real problems with the

chapter. The review of *superior* court decisions potentially leaves out a great deal of litigation, including most master and servant complaints and even trials for assault, which would have been heard in different, lower courts. This is compounded by Kercher's reliance on decisions available only electronically (38). His ninety cases include fifty-two from New South Wales, and ten to sixteen from the other three locations. Kercher notes that 'the most elaborate cases concerned the long voyages between Europe and the Australian colonies' (39), but he never satisfactorily explains the predominance of New South Wales in his sample, which may say something about the digitization of records and the search engines available, or perhaps something more interesting about the law and the sea in New South Wales, compared to the rest. Kercher may be right, but there remains too much left under-analyzed for the argument to be wholly convincing.

The Grand Experiment is a fitting tribute to John McLaren: there is great breadth in the articles and much presented that will provoke more work and argument in the legal histories of the represented colonies and in the comparative legal history of the British Empire. Canadian historians will find many pieces that will directly affect their own work, and more that will draw them to look once again at the imperial context of Canada's past.

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Liberalism and Hegemony: Debating the Canadian Liberal Revolution. Edited by JEAN-FRANÇOIS CONSTANT and MICHEL DUCHARME. Toronto: University of Toronto Press, 2009. Pp. 473, \$35.00

The papers in this collection were presented at a 2006 workshop held at McGill University and inspired by an article by Ian McKay that appeared in this journal in 2000. In that article, McKay argued that Canadian history in the period from ca. 1840 to ca. 1940 must be understood with reference to the rise and hegemony of liberalism. Although McKay did not define liberalism precisely, it is clear that he was denoting a pro-capitalism ideology similar to what C.B. Macpherson called 'possessive individualism.' McKay argued that the Canadian state should be understood as a project of liberal rule in North America. Canada was more of a 'liberal empire' and the expression of a particular ideology than a nation.

McKay's liberal order framework has attracted a great deal of attention from Canadian historians for a variety of reasons. First, it moved us beyond the tired debate between J.L. Granatstein and the social