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Book Review: *The Alberta Supreme Court at 100: History & Authority* Edited by Jonathan Swainger

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The Alberta Supreme Court at 100: History & Authority.

Edited by Jonathan Swainger. Edmonton: University of Alberta Press, 2007. xxvi + 366 pp. Photographs, notes, appendix, index. \$45.00 cloth.

In 2007 Alberta's Supreme Court, which hears trials at first instance and appeals, turned 100 years old. In commemoration, the court commissioned a history edited by Jonathan Swainger. Was this necessary? Much of the court's work was routine, and even when faced with challenging cases its decisions were seldom remarkable. Yet that is what makes this such a valuable book. During the 20th century, Alberta, like all of the Canadian and U.S. West, experienced many of the same conflicts over land, resources, women, and Aboriginal peoples. Despite its local peculiarities, the story of Alberta's Supreme Court is the story of how a typical common law court dealt with some of the major legal issues in the Great Plains in the last 100 years.

The book is a collection of nine essays, five of which attempt to cover the whole or much of the last 100 years for a specific topic (constitutional, family, water, energy, and property law) through the identification of important or exemplary cases. The other four focus on either shorter time periods (a study of the makeup of the bench in its earliest years or the court's treatment of women's issues since the 1970s) or on only a pair of cases (over conscription during the First World War or Native hunting rights). There are large areas of law left out of this coverage: for instance, criminal law is only dealt with in passing, while employment and labor law is left out entirely.

With the exception of the chapter on the court's early years, the chapters follow roughly the same structure: a general issue at law is introduced; several exemplary cases are described; a conclusion about the court's (often unremarkable) jurisprudence is proffered. One of the best chapters is Jonnette Watson Hamilton's study of court challenges to the regulation of land acquisitions by Hutterite colonies. She divides her study into two periods: the first, the era from the 1940s to the early 1970s when the provincial government restricted land sales to Hutterites; the second, the era since then when some municipalities tried to use less clearly discriminatory land use regulations to restrict Hutterite expansion. In each section she provides a good

background to the political and social conflicts over colonies and then describes four cases that show the conflicts of the era. Her chapter nicely exhibits the place of law in conflicts between the dominant culture and minorities. At the same time it can be read as a study of the changing ways agricultural property was regulated as unsettled land disappeared and agriculture industrialized.

What is not much present in Hamilton's article, or in any of the chapters, is significant wrestling with either broader historiographical or legal-theoretical concerns. Swainger contextualizes the book within the broader historiography of law in his introduction, but this is not matched in the specific chapters. This means the book can be read by nonexperts in either law or history, but it also limits its impact. There is little attempt to understand the developments within the broader legal history of the Great Plains or Canada. **James Muir**, *Department of History and Classics, and Faculty of Law, University of Alberta.*